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FEDERAL COURT

B E T W E E N:

CANADIAN CIVIL LIBERTIES ASSOCIATION

Moving Party / Applicant

- and -

ATTORNEY GENERAL OF CANADA

Responding Party / Respondent

Application for Judicial Review under Sections 18 and 18.1 of the
Federal Courts Act, R.S.C. 1985, c. F-7

MOTION RECORD OF THE MOVING PARTY, CANADIAN CIVIL LIBERTIES ASSOCIATION

June 29, 2022

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Canadian Civil Liberties Association**

FEDERAL COURT

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**MOTION RECORD OF THE MOVING PARTY, CANADIAN CIVIL LIBERTIES
ASSOCIATION**

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Court File No. T-316-22

FEDERAL COURT

B E T W E E N:

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Application for Judicial Review under Sections 18 and 18.1 of the
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NOTICE OF MOTION

TAKE NOTICE THAT the Canadian Civil Liberties Association will make a motion to the Federal Court on a date to be determined by the Registrar. The Moving Party requests that this motion be heard virtually.

THE MOTION IS FOR:

1. An order abridging the 10-day time period required by Rule 91(3)(b) to serve a direction to attend for Dennis Beaudoin;
2. An order compelling the Responding Party, the Attorney General of Canada (“AGC”) to produce the documents listed in the direction to attend for Denis Beaudoin and related refusals made during Mr. Beaudoin’s cross-examination on June 21, 2022 (e.g., to Questions 87, 131, 175, 203, 241, and 322);

3. An order compelling the AGC to obtain from Mr. Beaudoin an answer Question 220 refused during his cross-examination on June 21, 2022.

THE GROUNDS FOR THE MOTION ARE:

I. Background

1. On February 18, 2022, the CCLA issued a Notice of Application for judicial review in respect of the *Proclamation Declaring a Public Order Emergency*, SOR/2022-20 [*Emergency Proclamation*], made pursuant to s. 17(1) of the *Emergencies Act*, R.S.C. 1985, c. 22 (4th Supp.), and also in respect two regulations made pursuant to s. 19(1) of the *Emergencies Act*: the *Emergency Measures Regulations*, P.C. 2022-107, SOR/2022-21, and the *Emergency Economic Measures Order*, P.C. 2022-108, SOR/2022-22.
2. Parallel to this proceeding are three other judicial reviews that have been initiated by: the Canadian Frontline Nurses (“CFN”) and Kirsten Nagle (T-306-22); the Canadian Constitution Foundation (T-347-22); Jeremiah Jost, Edward Cornell, Vincent Gircys, and Harold Ristau (T-382-22).
3. On April 4, the AGC filed three affidavits in all of the above proceedings — including the affidavit of Denis Beaudoin, a superintendent for the Royal Canadian Mounted Police and the Direction of Financial Crime, Federal Policing Criminal Operations. Mr. Beaudoin’s affidavit focuses on his knowledge and experience in overseeing the use of the *Emergency Economic Measures Order*. Mr. Beaudoin developed the process used by the RCMP for verifying and sharing information with financial institutions, among other things.
4. This motion concerns the AGC’s refusals relating to Mr. Beaudoin’s May 17 direction to attend and his cross-examination, which proceeded on June 21. These refusals are almost exclusively grounded in the argument that Mr. Beaudoin’s direction to attend was served outside the time required by Rule 91(3)(b) of the *Federal Courts Rules*.
5. Three pieces of context are necessary to appreciate why the timelines in this proceeding have been constantly in flux and have not been strictly adhered to (largely by the AGC): (1) the development of the AGC’s expert evidence; (2) the development of the parties’ cross-

examination protocol; and (3) the parallel motions relating to Cabinet confidences. While complex, this history is significant to the proper adjudication of this motion, which turns to an extent on the balance of interests relevant to abridgments of time under Rule 8.

A. AGC's Proposed Expert Evidence

6. At case management conferences on February 22 and March 11, prior to filing any of its affidavit evidence, the AGC advised that it might be obtaining expert evidence.
7. As indicated, the AGC filed much of its affidavit evidence on April 4.
8. At a case management conference on April 11, the AGC confirmed that its evidence was complete, *subject to obtaining expert evidence*.
9. By way of direction on April 12, Prothonotary Milczynski directed the AGC to file any expert evidence by April 29, and to circulate any possible information prior to that date. The Prothonotary was clear that this evidence would have an impact on the timelines of the proceedings going forward, and recognized that the evidence stage should be completed and closed *prior* to any cross-examinations.
10. The same day, the AGC wrote to this Court indicating that it could not deliver an expert report as directed. It would require until mid-May to do so. The CCLA also wrote to the Court indicating this was not acceptable given that the AGC had expressed an intention to obtain expert evidence almost two months earlier — indeed, this appeared consistent with an intention to delay the hearing of the merits of the proceedings.
11. By way of direction on April 19, Prothonotary Milczynski revised her earlier direction (in accordance with a proposal from the CCLA) to require the AGC to provide the name and area of expertise of its expert by April 21 and to serve its report by May 5. She also directed the parties to consult with one another and submitted a protocol for cross-examinations.
12. The same day, the AGC wrote to the Court indicating that it was not prepared to comply with the Prothonotary's direction, on the basis that the expert's name would be covered by litigation privilege and because "end-of-term time constraints" were delaying the completion of the report.

13. Further to a case management conference on May 4, the AGC was granted an extension of time to file its expert report. The report became due on May 19.
14. In the meantime, the AGC was directed to provide the expert's name to the various applicants on a confidential party-to-party basis. It did so on May 4.
15. On May 20, the AGC wrote to the parties to advise that it would not be filing an expert report in any of the proceedings.

B. Development of the Cross-Examination Protocol

16. As the issues surrounding the expert were ongoing, the AGC provided a draft cross-examination protocol, on May 3. This draft underwent several rounds of edits between the CCLA and the AGC and also received input from other parties.
17. On or about May 16, a final version of the cross-examination protocol was agreed upon, in principle, by the AGC and the CCLA. On May 25, the parties (except the Jost et al.) confirmed the agreement in principle regarding the cross-examination protocol at a case management conference.
18. Prior to this, the cross-examination of Mr. Shragge was being scheduled in order to move the matter forward, notwithstanding that there was no agreement in place. Mr. Shragge was examined for the first time on May 19.

C. Related Motions' Impact on Scheduling of Cross-Examinations

19. Following the CCLA's cross-examination of Mr. Shragge on May 19, it became clear that the CCLA would also be bringing a motion relating to Cabinet confidences. This was because the AGC objected, on the basis of Cabinet confidences, to a number of questions and requests put to Mr. Shragge.
20. At the case management conference on May 25 Prothonotary Milczynski directed that the CCLA motion would be heard together with the CCF's related motion (filed April 11) on July 5.

21. The scheduling of these motions led to a direction from the Prothonotary to complete *all* cross-examinations by June 20 (or shortly thereafter), in order to meet filing and hearing deadlines.

D. Cross-Examination of Mr. Beaudoin

22. After the case management conference on May 25, the AGC wrote to the parties indicating that Mr. Beaudoin would be available for cross-examination on June 1 but then not available until after June 22. The same day, the CCLA wrote to the AGC seeking confirmation that Mr. Beaudoin's availability to be cross-examined on June 1. However, because the CFN was unavailable on that day, Mr. Beaudoin's cross-examination was postponed.
23. On June 9, the AGC wrote to the parties to advise that Mr. Beaudoin would be available to schedule his cross-examination prior to June 22.
24. The same day, the CCLA and the CFN advised that they would be available to cross-examine Mr. Beaudoin on June 20.
25. On June 13, the AGC requested confirmation that Mr. Beaudoin would be cross-examined on June 20. The AGC also requested whether there were any documents that the parties wanted Mr. Beaudoin to bring with him.
26. The same day, counsel for the CCLA confirmed its intention to cross-examine Mr. Beaudoin on June 20 and indicated that it would serve a direction to attend on June 15.
27. However, on June 14, the AGC indicated that Mr. Beaudoin was no longer available on June 20. In response, the CCLA suggested June 21. The AGC then asked how long the anticipated crosses would be and whether they could be completed in one session.
28. On June 15, the cross-examination of Mr. Shragge (which began on May 19) continued. It took the better part of the day, with both the CCLA and CFN conducting crosses.
29. On June 16, the AGC followed up asking for confirmation of all the parties' availability to cross-examine Mr. Beaudoin on June 21 (which the CCLA had already agreed to, but which other parties had not yet to respond on).

30. On June 17, the CCLA served a direction to attend for Mr. Beaudoin.
31. The cross-examination of Mr. Beaudoin proceeded as scheduled on June 21. Contrary to the direction to attend, Mr. Beaudoin did not bring any documents with him (other than his affidavit and the direction).

II. Motion

A. The Documents in Mr. Beaudoin's Direction to Attend Must Be Produced

32. On the basis that Mr. Beaudoin's direction to attend was served out of time, Mr. Beaudoin has not produced any of the documents listed in that direction.¹
33. The CCLA acknowledges that Mr. Beaudoin's direction to attend was not served within the 10-day time period prescribed by Rule 91(3)(b). The direction was served four days prior to Mr. Beaudoin's cross-examination.
34. That said, the circumstances of this case justify the use of Rule 8 to abridge the requirements of Rule 91(3)(b).
35. The overriding test under Rule 8 is that justice be done between the parties.² Key considerations include whether the responding party would be prejudiced by the delay and whether there is a reasonable explanation for the delay.³
36. In this case, the AGC has not pointed to any discernable prejudice arising from any delays in serving Mr. Beaudoin's direction to attend. Instead, the AGC simply asserts that it has no obligation to comply with any requests for production because service was late. Indeed, the AGC did not raise any concerns with the direction until the cross-examination of Mr.

¹ This also includes the documents requested during cross-examination, to the extent that those documents were requested in the direction and further specified during the cross. These questions are set out in the "Beaudoin Refusals Chart". For one example, Mr. Beaudoin's notes from the 'process-establishing' meetings he had with financial institutions were requested during the cross. These fall into "documents that the RCMP created that describe the process that the RCMP used to verify and share information with financial institutions", which were requested at paragraph 2 of the direction to attend.

² *Alberta v Canada*, 2018 FCA 83, at para. 45.

³ See *Alberta v Canada*, 2018 FCA 83, at para. 44, citing *Canada (Attorney General) v. Hennelly*, [1999 CanLII 8190](#) (F.C.A.); *Alani v. Canada (Prime Minister)*, 2015 FC 859, at para. 14.

Beaudoin was ongoing, and both the AGC and Mr. Beaudoin brought the direction to his cross.

37. The AGC's stringent position ignores the wider context of this proceeding (and the other parallel judicial review proceedings) detailed above. Put simply, the conduct of the parties in this proceeding has essentially be one of reasonable flexibility, which accounts for the complexity of the proceedings, the expeditiousness of the timelines, and the fact that there are four judicial review applications proceeding in parallel.
38. Perhaps the best example of this flexibility is the way in which the Rules have been abridged or ignored to allow the AGC to complete its own evidence — including, most notably, the expert evidence that it said it would obtain but ultimately did not. Indeed, even where the AGC has refused to comply with directions from the case management judge due to practical considerations, other parties have accommodated it.
39. The reality of scheduling Mr. Beaudoin's cross-examination was that it required coordination between three sets of parties (the CCLA, the CFN, and the AGC) at a time when the cross-examination of Mr. Shragge was ongoing and the CCLA was preparing its motion materials on Cabinet confidences (which it served on the AGC on December 17). Again, this required flexibility from all parties. Indeed, the AGC was even forced to reschedule Mr. Beaudoin's cross-examination as late as June 16. The day after that rescheduling, the CCLA served its direction to attend.
40. In these circumstances, justice requires that the timeline in Rule 91(3)(b) be abridged. Abridging the timeline from 10 days to four days presents no discernable prejudice to the AGC or Mr. Beaudoin. However, strictly enforcing that timeline would prejudice the CCLA and the Court, as it would deprive both of documents that will assist in the sound adjudication of this judicial review application. The complexity of the proceedings is a reasonable explanation for the delay.
41. Beyond the time-limit in Rule 91(3)(b), there is no valid basis upon which to object to the documents requested in Mr. Beaudoin's direction to attend. In particular, the documents are plainly relevant. They go to the actions of the police during the time that the *Emergencies*

Act and the orders and regulations targeting the “Freedom Convoy” protests were in force. The documents will assist the parties and the Court in understanding exactly what the police were doing in exercising powers that on their face implicate the s. 8 *Charter* rights of all the protestors in Ottawa and beyond.

B. Refusal During the Cross-Examination of Mr. Beaudoin

42. In addition to refusing to produce any of the documents in Mr. Beaudoin’s direction to attend, the AGC also objected to Mr. Beaudoin answering one important question: Question 220. At paragraph 20 of his affidavit, Mr. Beaudoin indicates that the RCMP disclosed information on approximately 57 entities to financial service providers and states that approximately 257 accounts were frozen by those providers. Question 220 asked whether Mr. Beaudoin could confirm whether the accounts of those 57 entities were frozen.
43. Mr. Beaudoin’s affidavit confirms that he has personal knowledge of the matters deposed to in it — Question 220 merely asks him to elaborate on a fact that he claims to know.
44. If Mr. Beaudoin cannot elaborate on or inform himself the answer to Question 220, his affidavit will fail to comply with the minimum requirements of affidavits set out in Rule 81 of the *Federal Courts Rules*. This rule requires, among other things, that affiants not claim personal knowledge of facts without personal knowledge, unless that knowledge is on information and belief.⁴ The requirement for personal knowledge is entails that the affiant has *his own knowledge* of the facts asserted and has not obtained it from others.⁵ This is essential for cross-examination to be effective.
45. In order for Mr. Beaudoin to know that information on 57 entities was disclosed, he would need to have seen the list of those entities. He would also have needed to see the list of the 257 accounts that were frozen. Mr. Beaudoin has confirmed that the financial institutions had reported to the RCMP whether the accounts of the 57 entities were frozen.⁶ In these circumstances, Mr. Beaudoin’s unwillingness or inability to connect the 57 entities and the

⁴ *Elliott v. Canada*, 2017 FCA 145, at para. 15.

⁵ *Part Source Inc. v. Canadian Tire Corp.*, 2001 FCA 8, at para. 6.

⁶ Transcript of the Cross-Examination of Denis Beaudoin (June 21, 2022), at p. 59, lines 10-15.

257 accounts undermines his statement that he has personal knowledge of them to the point of rendering his affidavit unusable.

46. Accordingly, in order to comply with Rule 81, Mr. Beaudoin must disclose (or inform himself and disclose) the answer the Question 220.
47. The CCLA relies on Rules 3, 8, 81, 91, 94, 97 and 359 of the *Federal Courts Rules*.
48. Such further and other grounds as the CCLA may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE MOTION:

1. Affidavit of Denis Beaudoin, sworn April 4, 2022;
2. Direction to Attend to Denis Beaudoin, dated June 17, 2022;
3. Transcript of the Cross-Examination of Denis Beaudoin on June 21, 2022;
4. Affidavit of Mary Arulnesan, sworn June 29, 2022;
5. Beaudoin Refusals Chart; and
6. Such further and other evidence as the CCLA may advise and this Honourable Court may permit.

June 29, 2022



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Ontario Regional Office

Department of Justice Canada

120 Adelaide Street West

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Toronto, Ontario M5H 1T1

Court File No.: T-306-22

FEDERAL COURT

B E T W E E N:

CANADIAN FRONTLINE NURSES AND KRISTEN NAGLE

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF DENIS BEAUDOIN

Court File No.: T-316-22

FEDERAL COURT

B E T W E E N:

CANADIAN CIVIL LIBERTIES ASSOCIATION

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF DENIS BEAUDOIN

Court File No.: T-347-22

FEDERAL COURT

B E T W E E N:

CANADIAN CONSTITUTION FOUNDATION

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF DENIS BEAUDOIN

Court File No. T-382-22

FEDERAL COURT

B E T W E E N:

JEREMIAH JOST, EDWARD CORNELL, VINCENT GIRCYS, and HAROLD RISTAU

Applicants

and

**GOVERNOR IN COUNCIL, HER MAJESTY IN RIGHT OF CANADA, ATTORNEY
GENERAL OF CANADA, and MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents

AFFIDAVIT OF DENIS BEAUDOIN

I, Denis Beaudoin, of the city of Ottawa, in the Province of Ontario, swear that:

1. I am a superintendent for the Royal Canadian Mounted Police (RCMP). My current position is Director of Financial Crime, Federal Policing Criminal Operations. I have served in this position since 2021. My responsibilities in this role include overseeing financial crime operations for the RCMP nationally.
2. In this capacity, I was responsible for overseeing the use of the economic measures put in place under the Emergencies Act proclamation. I developed the process used by the RCMP for verifying and sharing information with financial institutions as described below. As such, I have personal knowledge of the information in my affidavit.

Economic Order and Regulations

3. On February 15, 2022, the Governor General in Council enacted the Emergency Economic Measures Order found at P.C. 2022-108 of the CTR (the Order), as well as the Emergencies Measures Regulations found at P.C. 2022-107 of the CTR (the Regulations), pursuant to its proclamation the previous day that a public order emergency existed.
4. On February 23, 2022, the Order and Regulations were revoked and ceased to apply.
5. The Order and Regulations did not apply retroactively and applied only to individuals who acted in contravention of sections 2 to 5 of the Regulations between February 15 and 23, 2022.

Objective and Scope of the Order and Regulations

6. The RCMP's primary role with respect to implementing the measures was to provide financial service providers with information gathered by police about people and companies potentially involved in illegal activities, which the financial service providers could use to ensure their compliance with the Order.
7. The Order gave financial institutions the ability to freeze financial products of individuals and companies involved in prohibited activities and gave law enforcement authority to share information with financial institutions with the ultimate goal to end illegal acts peacefully.

Implementation of the Order

8. Neither the Order nor Regulations specified a procedure through which financial service providers would identify individuals or entities that met the definition of "designated person" under the Order.

9. In practice, the police provided financial service providers with information about particular individuals or entities, which the financial service providers could use in conjunction with other information at their disposal to make their own determinations about whether they needed to take steps to comply with the Order.
10. Once the Order came into effect, the RCMP worked closely with municipal and provincial policing partners, including the Ontario Provincial Police (OPP) and Ottawa Police Service (OPS), to collect relevant information regarding persons, vehicles and entities that were believed to be directly or indirectly involved in prohibited activities.
11. The RCMP served as the conduit for sharing all information between police and financial service providers. The OPP and OPS provided the RCMP with relevant information in their possession and the RCMP validated this information and then shared it with financial service providers. I attach as **Exhibit "A"** a copy of a blank template that the RCMP used to provide the information it described, if available, to financial institutions.
12. During the eight days that the Order was in place from February 15 to 23, 2022, the RCMP disclosed information to banks, the Canadian Bankers Association, the Investment Industry Regulatory Organization of Canada, the Canadian Securities Administrators, credit unions, and the Mutual Fund Dealers Association of Canada.
13. The RCMP shared two main types of information with financial service providers: information obtained from the OPP and OPS regarding individuals already identified as part of their criminal investigations into the illegal protests and blockades; and information regarding trucks and other vehicles located in downtown Ottawa.
14. Initially, the RCMP shared with financial service providers the identities of 15 entities that the OPP and OPS had identified as suspects of their criminal investigation. Financial service providers used this information to determine whether to take action in order to comply with their obligations under the Order.
15. With respect to the second type of information, the OPP collected licence plate information and other identifying information of vehicles blockading downtown Ottawa. The RCMP then collected information from police and public sources to corroborate the presence of individuals and vehicles in the illegal protest. This information was then shared with financial service providers so that they could decide whether to take action in order to comply with the Order.
16. The RCMP and other law enforcement agencies focused their efforts on identifying and disclosing information pertaining to individuals and entities who were actively involved in illegal action, either by organizing or influencing the illegal activities or by being present at the illegal protest.

17. The RCMP did not disclose information pertaining to those who made donations in support of the protests or who purchased merchandise supporting the protests as it would have had no immediate impact to end the protest peacefully.
18. The RCMP communicated information to financial institutions but did not advise on the methods financial institutions should use to ensure compliance with the Order.
19. In a number of instances, the RCMP decided to not disclose information to the financial service providers following the investigative phase. The reasons for not disclosing were that there was not enough information to believe the person or entity was involved, the plate was invalid in the police database system, the person was attempting to leave but was unable, or it was no longer believed the person or entity was involved (either left on their own accord or were removed by police).
20. In total, the RCMP disclosed information on approximately 57 entities and individuals to financial service providers and approximately 257 accounts were frozen by financial institutions pursuant to the Order. Some individuals or entities had multiple accounts or services frozen.
21. Additionally, the RCMP identified and disclosed 170 Bitcoin wallet addresses to virtual currency financial service providers via a series of cryptocurrency alerts. These accounts received funds linked to the HonkHonkHodl crowdfunding campaign, which raised 20.7 Bitcoin with a value of between \$1 million to \$1.2 million during the period during which the Order was in force. No personal information was included in those alerts and this information was available publicly. I attach the three cryptocurrency alerts provided by the RCMP to financial service providers as **Exhibit "B"**.
22. The alerts noted that these e-wallets were linked to a joint RCMP and OPP/OPS investigation and directed the providers to cease facilitating transactions involving these e-wallets and to disclose relevant transaction information to the RCMP.
23. The RCMP clearly communicated to these electronic financial service providers that the Order was not to be applied retroactively and could only be applied while the Order was in effect.
24. Although the RCMP did not give information to financial institutions to enable them to freeze accounts of persons who had donated for use in the convoys and illegal blockades, some information was publicly available about donations that had been made to "GiveSendGo" for use in the illegal blockades.

Efforts to Minimize Negative Impact

25. The RCMP attempted to contact many of the individuals or entities whose information was to be disclosed to financial service providers, in order to re-confirm their ongoing participation in prohibited activities. For example, a number of individuals contacted by the RCMP confirmed that they were participating in the blockade in Ottawa and that they refused to leave. At that point, the RCMP advised the individuals of the Order and the risk that their bank accounts could be frozen.
26. Some people indicated when contacted that they wanted to leave, but were not in a position to do so because the streets were not cleared. These people were instructed to be ready and to make sure their truck was ready to leave when the streets were cleared. The information on these persons was not provided to the financial service providers.
27. The persons identified by the OPS and the OPP as suspects in their criminal investigation were not contacted prior to their information being shared.
28. After the illegal blockade was cleared, the RCMP reached out to some people to ascertain if it was their intention to return. Some indicated that they were not going back because they did not want their accounts frozen.
29. The Order imposed on financial service providers a duty to determine on a continuous basis if they were in possession of property owned, held or controlled by or on behalf of a designated person. Individuals who had their account frozen would have to contact their financial service provider to make arrangements to unfreeze their account. They could do this as soon as they stopped participating in the activities targeted by the Order. The RCMP facilitated this process by remaining in communication with financial service providers to assist them in assessing the involvement of their clients in the illegal activities.
30. On February 21, 2022, the RCMP communicated with the financial service providers and advised them that, without taking into account independent information available to financial entities, the RCMP no longer believes the individuals or entities disclosed were engaged in conduct or activities prohibited under the EMR, and therefore no longer met the criteria of a designated person under the Order. Attached as **Exhibit "C"** is an email with the subject line "Emergency Economic Measures Order (EEMO) - SITUATIONAL UPDATE."
31. Attached as **Exhibit "D"** is a copy of the RCMP statement about the unfreezing of accounts released by the RCMP on February 23, 2022.
32. The RCMP did not share information with insurance providers because the goal remained to facilitate a peaceful end to the blockade by allowing fully insured drivers to remove their vehicles from downtown Ottawa of their own volition.

This is Exhibit "A" referred to in the
affidavit of

Denis Beaudoin

sworn before me this April 04/2022
day of April A.D., 2022



Notary Public in and for
the Province of Ontario

**Marc Germain Tremblay, a Commissioner etc.,
Province of Ontario, for the Government of Canada,
Department of Public Safety and Emergency Preparedness.
Expires November 25, 2022.**



File 2022-198524

Disclosure of Information

The following report is made pursuant to the *Emergency Economic Measures Order* (SOR/2022-22) and *Emergency Measures Regulations* (SOR/2022-21) enacted under the *Emergencies Act* on February 15th, 2022.

I, _____, am a regular member of the Royal Canadian Mounted Police (RCMP), currently posted to the RCMP's National Division (Ottawa area). I am engaged in the collection and disclosure of information to entities that have a duty to determine as defined in Section 3 of the *Emergency Economic Measures Order*.

The information being disclosed is relevant to individuals or entities that are engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the above noted *Emergency Measures Regulations*.

The specific disclosure is related to the following individuals or entities:

The information collected has been compiled and summarized in the attached Appendix "A".

This document is the property of the Royal Canadian Mounted Police (RCMP). It is loaned to your agency on the understanding that it is not to be further disseminated, reclassified, or used in affidavits, court proceedings, or other legal or judicial process without the consent of the originator. Distribution within your agency is to be done on a need-to-know basis. The document is to be protected in accordance with normal safeguards for law enforcement information. Please contact the sender for any clarifications regarding the information or the caveat.

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APPENDIX "A"



File 2022-198224

VEHICLE PROFILE

Registered Owner

Name:

DOB :

Address (last known) :

Date of search:

Complete by :

Vehicle information

- XXX

Database checks

CPIC:

- XXX

PROS:

- XXX

PIP:

- XXXX

Open Source

Social Media Queries

Facebook:

Twitter:

LinkedIn:

Other:

Corporate Checks

Company involved:

Company Inquiries (reach out /call)

Company's involvement:

Vehicle Involved

Synopsis:

OCC Cameras

Observations:

Other Relevant Information

Information collected:

This is Exhibit "B" referred to in the
affidavit of

Denis Beaudoin

sworn before me this April 04, 2022
day of April A.D., 2022



Notary Public in and for
the Province of Ontario

**Marc Germain Tremblay, a Commissioner etc.,
Province of Ontario, for the Government of Canada,
Department of Public Safety and Emergency Preparedness.
Expires November 25, 2022.**



CRYPTOCURRENCY ALERT

The Ontario Provincial Police and Royal Canadian Mounted Police are currently investigating cryptocurrency donations being collected in relation to illegal acts falling under the scope of the *Emergency Measures Act*.

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Asset	Address
LTC	ltc1qqhzc2dflesccd5gx6ugqqgcplzakrk8w/xl8zq
ADA	addr1qxxwppd3ahfsh43f88h4jn8ngrum64fe6meck3nnwkwgtsp6elsk4xhyrdtm5v6tnq3ulw9u9gcmvkhrij4xcu3sm60hqtz3wuy
XMR	423nPDQqsPrAAGFShUBMrYQQCgb2562iLLWu1dZyEGEGsavxfpNxWtDjreSUzwqWQCxi6GrSz8jtYWjS4pW9mK9DoBVdWo
ETH	0x859481ef7dac321078547f50c756c8924eab183f
ETC	0x88cd1d4611d456357ef8620450d3121672305d03
BTC	bc1qvvt2l3v508lmpal067kghhm6x6nsm70rgwhx
BTC	1Pk9TAxrXE1sQeYx3KXN77TfNjBDPxeEnk
BTC	bc1q82ejx54e9ra0la9n5whcaqegdr2f5j6ep0kep7
BTC	bc1qlc2gpmzrr9gded07d9a40lt2lq7pp2v7h4c5jx
BTC	bc1q2xjld87z45k2fuz48dqhntgh3e0k80ft0a46jd3ftwrqt4fnnyjqftd0ur
BTC	bc1q3jsfd54ja2jxnumjwq2ds6qn0yt0mye7lwvdmyft3a8a5w9d8hkqxf6az
BTC	bc1q48chzsuwxu7cz82p83mpekdn0u44c223r4dzsdd98d8l03ws7es484z23
BTC	bc1q4hqvw7a806yc8554nskuyqc4jc6juywzxcgprkOn25rtcj5z3dkqey0h9f
BTC	bc1q7r7escgmm7nq2jhc92nc2uh7tw3vzexzspge65ts06243pensl2spf67vn
BTC	bc1q8lrztgk9tkedvhu6hzvvc7ps2cf6t2t4hj5jdf6p38asc407wxzsl40gkx
BTC	bc1q8tf0hn3vda0pgkhej73unz338wstxvll9qrvy5hj3rtwah2j6mlqx3ce99
BTC	bc1q96z7hleyh2fvqmgc8s9yw0650u3uwjv7mrpsfj2ltz8wvctmcnsyhk50c
BTC	bc1qcg44z6ly3h3635gfzkeh4lg22ks7ndy3dzzh0qyv3eqmzrwehnsk58gwr
BTC	bc1qfcrw4nf659e4s8d9yaldltac75awrpqeqh76du68qzw8q0m7276sw0q3uh

BTC	bc1qg76ahdnvxxwfd8l05wh0u4y54sht2s4djqmp2vt0levqz7s62l9q4wh33n
BTC	bc1qhdek8my95y8pvxvj8lwmvdqcrkf6a5ny6l9lqyw42s2tz8cgg0qrrz8yf
BTC	bc1qsdherstd6f8rswt0pklv3gckwtjtaszswzlmgrat9hkvppwpqpsvcd39z
BTC	bc1qt6t5lddw7vxdzmcz0cdl6xnyrfmu2ywd64g0pw6k7czwl5xhfxs3e5sff
BTC	bc1qv3aa6wepvttlcy7kuvpmfzar93ku2yppp72tm0zfcj20h04r58sn7vvhq




BTC	bc1qv7k0hltgg5vdquy86z8m48wp7ul92hdddp2emh2ppra0slzvg86q8uv9g9
BTC	bc1qxxwx7r30fspqng769h080rx4y2eksmwcecvrwyk7uwyl6lr0hnsllr9re
BTC	bc1q3ufme0prwe7xwacj32jt89r997xcwh2wmjkg129acetvf3q0wz4sp50j05
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BTC	bc1q86ceuvvc0580rddxmqujhu3huxkcykrns2jah4vhqnlr67jdkh43sd5gcgr
BTC	bc1qepl9mm4qq7eqtvhe3ys3ymwvs4z3rmyuhvfs3scsysjndqkvhepsfp6ven
BTC	bc1qv7k0hltgg5vdquy86z8m48wp7ul92hdddp2emh2ppra0slzvg86q8uv9g9
BTC	bc1qahvu2rtjyze9gn50skcs2q06vpfnznwdnsa9scxv5y6axudksskq2ku6hd
BTC	bc1qg3aeueyd4947tk9kfnzhrssxggy0ctn8zcjcdg0tk0gchzwfq7zq4zlse

Thank you for your assistance with this investigation,

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bc1qvm78tmv3z70gzp22jp79nxm4s5yac4scm2rgv
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bc1qzlh6l5wyppw86vxc2hxswa4zskc9fdghfyv6pl		
bc1qzrnhrvm769lq69jkdmmgvrcmgyavu576vzr3p3		
bc1qzrz3ap086sq5pwwyp8le0vccdn4j0rjsr9az76		
bc1qzzt7hls8339j9lu9eegmtv9x8y66n40qvt6d5		

Thank you for your attention to this matter,

CryptocurrencyNHQ-CryptomonnaieDG@rcmp-grc.gc.ca.

This is Exhibit "C" referred to in the
affidavit of

Denis Beaudoin

sworn before me this April 04/2022
day of April A.D., 2022



Notary Public in and for
the Province of Ontario

**Marc Germain Tremblay, a Commissioner etc.,
Province of Ontario, for the Government of Canada,
Department of Public Safety and Emergency Preparedness.
Expires November 25, 2022.**

From: [FPCO Financial Crime / OCPF Criminalité Financière](#)
Sent: February 21, 2022 1:14 PM
To: [FPCO Financial Crime / OCPF Criminalité Financière](#)
Subject: RE: Emergency Economic Measures Order (EEMO) -
 SITUATIONAL UPDATE

Good day,

Following the publishing of the *Emergency Economic Measures Act* (EEMO), the RCMP and its policing partners have provided you information regarding specific individuals and entities in an effort to contribute to the application of the EEMO by assisting to identify property belonging to people who were engaged in the illegal activities set out in the *Emergency Measures Regulations* (EMR). Following these disclosures, financial assets were frozen.

Not taking into account independent information available to financial entities, the RCMP no longer believes the above-mentioned individuals or entities are engaged in conduct or activities prohibited under the EMR, and therefore no longer meet the criteria of a designated person under the Order.

As the law is still currently in effect, listed entities must determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by, or on behalf of, a designated person.

Should information about designated persons becomes available, the RCMP may decide to disclose further information to financial entities to contribute to the application of the EEMO.

Thank you,
 Kelley

Kelley Hughes (Cpl.)

Federal Policing Criminal Operations - Financial Crime (FPCO-FC) |
 Opérations criminelles de la Police fédérale – Criminalité Financière (OCPF-CF)
 Royal Canadian Mounted Police (RCMP) | Gendarmerie royale du Canada (GRC)
 National Headquarters | Direction générale
 Ottawa, ON
 Phone/Tél: (343) 550-7279

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From: FPCO Financial Crime / OCPF Criminalité Financière
Sent: February 21, 2022 12:23 PM
To: FPCO Financial Crime / OCPF Criminalité Financière <FPCOFC-OCPFcf@rcmp-grc.gc.ca>
Subject: Emergency Economic Measures Order (EEMO) - SITUATIONAL UPDATE

Good afternoon,

We would like to reassure you that it remains our priority to communicate information that may assist listed entities with their assessment to unfreeze financial products related to the disclosures of designated person information.

Although we are not currently in a position to do that yet, we anticipate being able to provide you with relevant information later this afternoon.

Thank you for your continued patience and understanding as we work through this complex time together.

Kelley

Kelley Hughes (Cpl.)

Federal Policing Criminal Operations - Financial Crime (FPCO-FC) |
Opérations criminelles de la Police fédérale – Criminalité Financière (OCPF-CF)
Royal Canadian Mounted Police (RCMP) | Gendarmerie royale du Canada (GRC)
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This is Exhibit "D" referred to in the
affidavit of

Denis Beaudoin

sworn before me this April 04, 2022
day of April A.D., 2022



Notary Public in and for
the Province of Ontario

**Marc Germain Tremblay, a Commissioner etc.,
Province of Ontario, for the Government of Canada,
Department of Public Safety and Emergency Preparedness.
Expires November 25, 2022.**



STATEMENT

Enforcement under the *Emergencies Act – Unfreezing of accounts*

The *Emergencies Act* has allowed law enforcement and monitoring agencies to work more closely with Canadian financial institutions; which has enhanced the effectiveness of law enforcement's investigations pertaining to the illegal convoy protests.

The RCMP and its policing partners used the Emergency Economic Measures Order to strongly encourage individuals to leave the illegal protests and deter them from counselling others to commit criminal offences.

The RCMP provided relevant information to financial institutions, who have the onus to determine which financial products should be frozen, pertaining to entities (i.e. individuals or companies) believed to be involved in illegal acts. As previously stated, at no time did the RCMP disclose information on donors or on those who purchased merchandise.

As of February 21, 2022, the RCMP has gone back to financial institutions with some updated information about certain entities whose status may have changed pertaining to the illegal protest activity. This new information can be assessed alongside all other information to help inform decisions to unfreeze certain accounts.



DÉCLARATION

Application de la loi en vertu de la *Loi sur les mesures d'urgence* – Dégel de comptes

La *Loi sur les mesures d'urgence* a permis aux organismes d'application de la loi et de surveillance de collaborer plus étroitement avec les institutions financières canadiennes et d'ainsi accroître l'efficacité des enquêtes policières sur les manifestations illégales entourant le convoi de la liberté.

La GRC et ses partenaires policiers ont eu recours au *Décret sur les mesures économiques d'urgence* pour encourager fortement des individus à quitter les lieux des manifestations illégales et les dissuader de conseiller à d'autres personnes de commettre des infractions criminelles.

La GRC a fourni aux institutions financières, qui ont la responsabilité de déterminer quels produits financiers doivent être gelés, des renseignements pertinents au sujet d'entités (individus ou entreprises) que l'on croit participer à des actes illégaux. Comme il a été déclaré précédemment, la GRC n'a à aucun moment divulgué de renseignements sur des donateurs ou des personnes qui ont acheté des marchandises.

En date du 21 février 2022, la GRC a transmis des renseignements actualisés aux institutions financières sur certaines entités dont la situation peut avoir changé relativement aux manifestations illégales. Ces nouveaux renseignements peuvent être évalués au même titre que toutes les autres informations disponibles afin d'éclairer les décisions relatives au dégel de certains comptes.

Court File No.: T-316-22

FEDERAL COURT

B E T W E E N:

CANADIAN CIVIL LIBERTIES ASSOCIATION

Applicant

And

ATTORNEY GENERAL OF CANADA

Respondent

DIRECTION TO ATTEND**TO: DENIS BEAUDOIN**

YOU ARE REQUIRED TO ATTEND AN CROSS-EXAMINATION on your affidavit sworn April 4, 2022, on Tuesday, June 21, 2022 at 12pm EST via zoom videoconference.

YOU ARE ALSO REQUIRED TO BRING WITH YOU and produce at the examination the following documents and things:

1. To produce a current curriculum vitae;
2. To produce the documents that the RCMP created that describe the process that the RCMP used to verify and share information with financial institutions described at paragraph 2 of the affidavit;
3. To produce any examples of correspondence or documents exchanged between the RCMP, the Ontario Provincial Police and the Ottawa Police Service by which the RCMP sought out and collected relevant information regarding persons, vehicles, and entities, that were believed to be directly or indirectly involved in prohibited activities as referred to at paragraph 10 of the affidavit;
4. To produce any other form of template document that the RCMP used to disclose information to banks, the Canadian Bankers Association, the Investment Industry Regulatory Organization of Canada, the Canadian Securities Administrators, credit unions and the MFDA as referred to at paragraph 12 of the affidavit;

5. Any documents, guidelines, or directions that the RCMP used or issued to its members that describe and/ or explain what is meant by “individuals and entities who were activity involve in illegal action, either by organizing or influencing the illegal activities or by being present at the illegal protest” as described at paragraph 16 of the affidavit;
6. Any document that, guideline or direction that the RCMP issued to its members that the RCMP did not disclose information pertaining to those who made donations in support of the protests as described at paragraph 17 of the affidavit;
7. Any memorandum in the power possession or control of the RCMP that explains the background, reasoning, or rationale for the position taken by the RCMP at paragraph 17;
8. Any document evidencing the assertion at paragraph 22 of the affidavit that the RCMP clearly communicated to these electronic financial service providers that the Order was not to be applied retroactively and could only be applied while the Order was in effect
9. Any memorandum in the power possession or control of the RCMP that explains the background, reasoning or rationale for the position taken by the RCMP at paragraph 32;

THE EXAMINATION WILL BE CONDUCTED IN ENGLISH. If you prefer to be examined in the other official language, an interpreter may be required and you must immediately advise the solicitor for the party conducting the examination.

IF YOU FAIL TO ATTEND OR REMAIN UNTIL THE END OF THIS EXAMINATION, YOU MAY BE COMPELLED TO ATTEND AT YOUR OWN EXPENSE AND YOU MAY BE FOUND IN CONTEMPT OF COURT.

INQUIRIES CONCERNING THIS DIRECTION may be directed to Ewa Krajewska

June 17, 2022



Ewa Krajewska
Henein Hutchison LLP
 235 King Street East
 Toronto, ON M5A 1J9

CANADIAN CIVIL LIBERTIES ASSOCIATION v. ATTORNEY GENERAL OF CANADA

DENIS BEAUDOIN
on Tuesday, June 21, 2022



77 King Street West, Suite 2020
Toronto, Ontario M5K 1A1

neesonsreporting.com | 416.413.7755

Court File No. T-316-22

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

CANADIAN CIVIL LIBERTIES ASSOCIATION

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

--- This is the Cross-examination on Affidavit of
DENIS BEAUDOIN, taken via Neesons, a Veritext
Company's virtual platform, on the 21st day of
June, 2022.

A P P E A R A N C E S:

(All via virtual platform)

Ewa Krajewska, Esq.,

& Brandon Chung, Esq., For the Applicant.

Kathleen Kohlman, Esq. For the Respondent.

REPORTED BY: Joanne A. Lawrence, RPR, CSR

REGISTERED PROFESSIONAL REPORTER

I N D E X

WITNESS: DENIS BEAUDOIN

PAGE

CROSS-EXAMINATION BY MS. KRAJEWSKA.....3

**The following list of undertakings, advisements
and refusals is meant as a guide only for the
assistance of counsel and no other purpose**

INDEX OF UNDERTAKINGS

(None marked.)

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are
noted by U/A and appear on the following pages:

24:4, 39:5, 49:1, 60:24, 67:16, 78:7

INDEX OF REFUSALS

The questions/requests refused are noted by R/F
and appear on the following pages: 55:21, 56:13,
92:9

1 -- Upon commencing at 12:00 p.m.

2 DENIS BEAUDOIN: AFFIRMED.

3 CROSS-EXAMINATION BY MS. KRAJEWSKA:

4 1 Q. Good afternoon, Mr. Beaudoin. My
5 name is Ewa Krajewska. I'm counsel to the Canadian
6 Civil Liberties Association, and I'm going to start
7 by asking you questions today. Can you hear me?

8 A. Yes, I can.

9 2 Q. Okay. Perfect. Mr. Beaudoin,
10 before we begin, can I just ask what documents do
11 you have access to or before you today? Do you
12 have your affidavit sworn --

13 A. Yes, I --

14 3 Q. -- April 4th, 2022?

15 A. I have a copy of it, yes.

16 4 Q. Perfect. And do you have copies
17 of the Emergency Measures and the Emergency Order
18 as well?

19 A. I have a copy of the Emergency Act
20 but not the Economic Measures Order.

21 5 Q. You don't have the order. And do
22 you have the regulation?

23 A. No. I have only the Emergency
24 Act.

25 6 Q. Okay. All right. So we may -- we

1 may share our screen with you to show you those.
2 And do you have some of the documents that we
3 requested in the direction to attend?

4 A. No, I don't have any of those
5 documents in...

6 7 Q. Okay. Do you have a copy of the
7 direction to attend?

8 A. I can pull it on my phone, yes.

9 8 Q. So you received that document.

10 A. I did.

11 9 Q. Okay. Does your counsel have
12 copies of the documents listed in the direction to
13 attend?

14 MS. KOHLMAN: No, I do not. You can go
15 through it with him to see whether some of those
16 documents even exist. My understanding is that
17 they don't.

18 MS. KRAJEWSKA: Okay. So we'll -- all
19 right. We will go through that when the time --
20 when the time comes.

21 BY MS. KRAJEWSKA:

22 10 Q. Okay. So, Mr. Beaudoin, I
23 understand that your current position is the
24 Director of Financial Crime, Federal Policing,
25 Criminal Operations with the RCMP?

1 A. Yes.

2 11 Q. And you've held that position
3 since 2021?

4 A. Yes.

5 12 Q. And the direction to attend asks
6 you to produce a current copy of your curriculum
7 vitae. That's Item 1 of the direction to attend.
8 Do you have a -- a current curriculum vitae?

9 A. No.

10 13 Q. Okay. Do you have any form of
11 résumé about your past employment history?

12 A. Not really.

13 14 Q. Okay. What position did you hold
14 before 2021?

15 A. I was a -- I was with the
16 sensitive and international investigation of the
17 RCMP at our National Division in Ottawa.

18 15 Q. Okay. And for how long have you
19 been with the RCMP?

20 A. 20 years.

21 16 Q. And, sorry, sir, how old are you
22 now?

23 A. 42.

24 17 Q. So did you start with the RCMP
25 after you finished college or university?

1 A. I did.

2 18 Q. And what did you study in college
3 or university?

4 A. Police college. It's --

5 19 Q. Where did -- where did you
6 complete the police college?

7 A. In Montreal.

8 20 Q. In Montreal. And what was the
9 name of the police college in Montreal?

10 A. John Abbott.

11 21 Q. John Abbott?

12 A. Yes.

13 22 Q. Is that -- was that a CEGEP
14 program, then?

15 A. That's it, yes.

16 23 Q. Okay. And so you've been with the
17 RCMP throughout your -- your entire career, then.

18 A. Yes.

19 24 Q. And have you done any secondments
20 to any other policing institution?

21 A. No.

22 25 Q. Okay. Thank you. And,
23 Mr. Beaudoin, if I can take -- am I pronouncing
24 your name correctly? Is it Beaudoin? Is it -- is
25 it a French pronunciation?

1 A. I'm certainly French, so it's
2 good.

3 26 Q. Okay. Mr. Beaudoin, if I take you
4 to paragraph 2 of your affidavit -- this is your
5 copy, that's my copy -- aha, there we go. If I
6 take you to paragraph 2 of your affidavit, you say
7 that you were responsible for overseeing the use of
8 the economic measures enacted pursuant to the
9 emergency declaration. And does that refer to the
10 Emergency Economic Measures Order?

11 A. Yes.

12 27 Q. Okay. And all -- all sections of
13 that order?

14 A. Can you be more specific to your
15 question?

16 28 Q. So the Emergency Economic Measures
17 Order consists of basically orders that were issued
18 to financial institutions to both cease dealing
19 with certain property and to report financial
20 transactions to FINTRAC and to the RCMP and CSIS.
21 So did you oversee the implementation by the RCMP
22 on all of the provisions of that order, or were you
23 not responsible for some of them?

24 A. As -- yes, I was responsible for
25 the one that my affidavit contains, but the order

1 was valid across Canada, so -- and it was valid for
2 other police forces. So I can't take
3 responsibility for the actions of others, in this
4 case, that I don't know, so...

5 29 Q. So you were responsible for
6 implementing the Economic Measures Order on behalf
7 of the RCMP.

8 A. Yes, that's correct.

9 30 Q. Okay. And were you responsible as
10 well for implementing any of the measures under the
11 regulation that was issued under the emergency
12 declaration?

13 A. Again, can you be more specific as
14 to what exactly you're referring to?

15 31 Q. Sure. So, for example, the
16 regulation prohibited, at Section 1, a person from
17 participating in a public assembly. Did you have
18 any role in enforcing that provision?

19 A. No.

20 32 Q. Okay. The regulation also
21 prohibited a foreign -- a foreign National Division
22 from entering Canada with the intent to participate
23 in or facilitate an assembly referred to in
24 subsection 2(1), which is a public assembly. Did
25 you have any role in enforcing that provision?

1 A. No.

2 33 Q. Did you have any role in
3 protecting any -- any of the designate -- the --
4 any of the protected places as defined in the
5 order, such as critical infrastructure, Parliament
6 Hill, official residences, government buildings,
7 et cetera? That's at Section 6 of the -- of the
8 regulation.

9 A. Not physically, no.

10 34 Q. Not physically. So what do you
11 mean by that?

12 A. Well, through the -- through the
13 use of the Emergency Economic Measures Order, some
14 of it had that purpose in mind.

15 35 Q. Okay. So by dissuading people
16 from attending at those places, it had a -- it had
17 an indirect impact on that part of the order.
18 Would that be fair?

19 A. Yes.

20 36 Q. Okay. And the regulation also
21 provided a direction to render essential goods and
22 services that were requested by the Minister of
23 Public Safety and Emergency Preparedness at
24 Section 7. Did you have any role in that?

25 A. No.

1 37 Q. And I assume, though, that -- oh,
2 no, wait. Okay. That's helpful. Let me take you
3 now to paragraph 2 of your affidavit. You say at
4 paragraph 2: (As read)

5 "In this capacity, I was
6 responsible for overseeing the use
7 of the economic measures put in
8 place under the Emergencies Act
9 proclamation."

10 And that, the second sentence: (As read)

11 "I developed the process used
12 by the RCMP for verifying and
13 sharing information with financial
14 institutions as described below."

15 And so first of all, I assume when you say the
16 words "financial institutions," you're referring to
17 all of the entities that were listed at Section 3
18 of the Economic Measures Order?

19 A. Well, not sure we shared
20 information with all of the entities listed, but
21 with definitely the ones that we shared.

22 38 Q. Okay. So let's go to that part of
23 the order.

24 MS. KRAJEWSKA: Brandon, can you put
25 Section 3 of the order on the screen.

1 BY MS. KRAJEWSKA:

2 39 Q. Do you see that, Mr. Beaudoin?

3 A. Yes.

4 40 Q. Okay. So the financial
5 institutions that were listed in the order were
6 authorized banks -- sorry, authorized foreign banks
7 as defined in Section 2 of the Bank Act. Did you
8 share information with them?

9 A. Not me specifically, but the
10 RCMP --

11 41 Q. Did the RCMP --

12 A. Yes.

13 42 Q. The RCMP did. Okay.

14 A. Yes.

15 43 Q. 'B' is cooperative credit
16 societies, savings and credit unions, and caisses
17 populaires regulated by the provincial Act, and
18 associations regulated by the Cooperative Credit
19 Associations Act. Did you or the RCMP share
20 information with them?

21 A. Yes.

22 44 Q. Same question for 'C.'

23 A. No, we did not share information
24 with insurance providers.

25 45 Q. Okay. So -- sorry, 'C' is foreign

1 companies as defined in Subsection 2(1) of the
2 Insurance Companies Act, so do you want to --

3 A. No.

4 46 Q. No. Okay. 'D' is companies,
5 provincial companies, and societies, as those terms
6 are defined in the Insurance Companies Act. Did --
7 did you or the RCMP share information with them?

8 A. I don't believe so. The majority
9 of the companies we shared with was financial
10 institutions, such as investment firms or -- or
11 banks.

12 47 Q. Right. Like, schedule --
13 Schedule 1 and Schedule 2 banks?

14 A. Yeah. So whether, you know, any
15 of these would be provincial companies, I don't
16 have that knowledge.

17 48 Q. Okay. What about 'E,' sorry --

18 MS. KOHLMAN: Paragraph 12 of his
19 affidavit may assist.

20 BY MS. KRAJEWSKA:

21 49 Q. So, Mr. Beaudoin, do I read it
22 correctly that the RCMP only shared information
23 with those entities listed in paragraph 12 of your
24 affidavit, and none of the other entities as
25 defined at Section 3(1) -- or Section 3, sorry, of

1 the order?

2 A. Yes.

3 50 Q. Okay. So that also -- okay. And
4 are you aware, Mr. Beaudoin, whether other
5 provincial or territorial law enforcement agencies
6 or institutions shared information with the other
7 entities in Section 3?

8 A. So other than the ones shared
9 through the RCMP by the OPP, I'm not aware of
10 any -- anyone else.

11 51 Q. Is it your understanding that the
12 OPP did not share any information with other
13 institutions?

14 A. I don't know.

15 52 Q. Okay. So you don't know whether
16 the OPP or the OPS or any other -- or any other
17 government institution may have shared or disclosed
18 information with any other entities set out in
19 Section 3.

20 A. No.

21 53 Q. Okay.

22 A. We offered the -- the service or
23 the -- to be the conduit to the OPP, and they --
24 you know, they did share information through us,
25 but other than that, I -- I don't know all the

1 other police officers in Canada, if they did or
2 not.

3 54 Q. So the RCMP didn't provide -- did
4 not act as a conduit for other police forces in
5 Canada or other institutions in Canada to provide
6 information.

7 A. That's correct, other than the OPP
8 and the OPS.

9 55 Q. Right. Okay. And if we go -- if
10 we go back again to paragraph 2 of your affidavit,
11 we were talking about how you developed a process
12 used by the RCMP for verifying and sharing
13 information with financial institutions. Now this,
14 I assume, included template letters to be sent to
15 financial institutions, such as the one that you
16 provided at Exhibit A?

17 A. Yeah, I didn't develop that
18 template, but my role was to obtain assistance from
19 one of our divisions, and then a police officer in
20 that division put that process in place.

21 56 Q. Okay. And this also included
22 templates of -- did you also have templates of
23 types of evidence that your officers would gather,
24 or the OPP would gather, or that the OPS would
25 gather, to provide to financial institutions?

1 A. Well, I believe the template that
2 was provided includes types of information in
3 there.

4 57 Q. Right, but did you -- did you --
5 did this template, which is at Exhibit A, and then
6 Appendix A as type of information, did you provide
7 this type of list of information -- did the RCMP
8 provide the type -- the type of information that
9 they were seeking from the OPP, or the OPS, or
10 others?

11 A. No.

12 58 Q. Okay. So you -- so the RCMP
13 received information from others and put it into
14 this template.

15 A. No. The RCMP received information
16 from the OPP and shared it with the banks.

17 59 Q. Okay. But the RCMP did not tell
18 the OPP or the OPS what form of information it was
19 seeking.

20 A. No. We were not seeking any
21 information. Like, it was up to the police --
22 like, the OPP could have disclosed information
23 directly with financial institutions. So we
24 certainly didn't have the -- the -- you know, the
25 rights to impose anything on them. We just

1 facilitated this for the financial institutions.

2 60 Q. Okay. But as far as you're aware,
3 the OPP used the RCMP as a conduit for providing
4 information to financial institutions.

5 A. Yeah. Like, just to put it -- you
6 know, we -- we received the information, didn't
7 touch it, and just sent it off to the financial
8 institution.

9 61 Q. Okay. And you didn't provide any
10 guidance to anyone about what type of information
11 you were requesting.

12 A. I was not requesting any
13 information.

14 62 Q. You were not requesting any
15 information. So the OPP just came to the RCMP with
16 information, and the RCMP provided it to financial
17 institutions.

18 A. That's correct.

19 63 Q. And so sometimes you -- the -- so,
20 for example, the RCMP may get information that was
21 only a Facebook post without anything else, and
22 then the RCMP would pass on that information.

23 A. Well, I don't know if you're
24 referring to a specific case here.

25 64 Q. I'm not.

1 A. Okay. So there was two processes
2 here: The one with -- that we received information
3 from the OPP. Then in this case, we took
4 everything they -- they gave us and just forwarded
5 it to the banks. We didn't seek any information.
6 We didn't ask them any specific information because
7 the law only spoke to information. So it was up to
8 the police to determine what they wanted to share,
9 so this is what the OPP did. The only thing we
10 offered is to provide that to the financial --
11 financial institution.

12 65 Q. Okay. Okay. And did the -- as
13 part of you preparing the process that the RCMP
14 used -- but -- okay. I'm having a bit of
15 difficulty with your answer because you say at
16 paragraph 2 that the RCMP -- that you developed a
17 process used by the RCMP for verifying and sharing
18 information. So when I read the word "verifying,"
19 I understand that you didn't just take the
20 information that you received from the OPP but that
21 you verified it, which means you verified it
22 against some other source. Is that not what
23 happened?

24 A. That happened on the information
25 the RCMP gathered.

1 66 Q. Okay. So the -- so where the RCMP
2 gathered its own information from its own sources,
3 the RCMP verified that information and then shared
4 it with financial institutions. Is that fair?

5 A. That's fair. But just to -- just
6 to clarify something that -- you know, that may
7 come up is that the information we verified -- so
8 the disclosure that the RCMP made originally came
9 from the OPP, as far as licence plates that were
10 present in the downtown area. So those I consider
11 different than -- than the disclosure made by
12 the -- by the OPP that we were only the conduit.
13 So I don't want to -- I don't want to -- I'm just
14 trying to be clear. It was -- it was -- you know,
15 it was a process, but just so that everyone is
16 clear, we received information on -- on suspects
17 from the OPP that we shared with the banks.

18 And then the second process was we
19 obtained -- we requested information about vehicles
20 that were present in the downtown area. The OPP
21 shared this with us, and these cases, we did
22 verification before, and gathering of information,
23 before sharing it with the financial institution.

24 67 Q. Okay. And just to be fair to you,
25 paragraph 11 of your affidavit, the second sentence

1 provides: (As read)

2 "The OPP and OPS provided the
3 RCMP with the relevant information
4 in their possession, and the RCMP
5 validated this information and then
6 shared it with financial service
7 providers."

8 A. So that pertains to the licence
9 plate that we obtained from the OPP.

10 68 Q. Okay. So just help me understand
11 that. OPP would provide you with a driver's
12 licence and then you would --

13 A. No. I'm sorry to cut you here,
14 but before we -- we go too far, not a driver's
15 licence, a licence plate.

16 69 Q. So -- you're right, yes, obviously
17 a licence plate, yes. Okay. Thank you for that
18 clarification. Okay. So the -- the OPP would
19 provide you with a licence plate of a vehicle that
20 was parked in downtown Toronto. What is the --

21 A. Ottawa.

22 70 Q. Ottawa, sorry. Ottawa. What is
23 the verification process that the RCMP employed
24 with respect to that information?

25 A. So information was gathered

1 according to the template that is attached to the
2 affidavit. And then when appropriate, it was
3 shared with the financial institution.

4 71 Q. Okay. So let's -- if we look at
5 Appendix A, which is page 8 of your affidavit,
6 there would be a vehicle profile. So did the OPP
7 provide you with a licence plate, and then the RCMP
8 would determine who was the registered owner and
9 the -- their date of birth, their address, the date
10 of the search, and the vehicle? Is that the
11 verification that the RCMP did?

12 A. Yes.

13 72 Q. Is there any other verification
14 that the RCMP did other than that?

15 A. Well, if you look at the template,
16 again, this is the -- the type of information that
17 the RCMP gathered.

18 73 Q. Okay. So I'm just -- I'm just
19 trying to make sure that I understand exactly what
20 happened. So the -- the OPP provides a licence
21 plate, and then the RCMP officer fills out
22 everything in the template, including the
23 registered owner, would do -- would do a CPIC
24 search, would do a PROS search, and a PIP search?
25 That's the RCMP officer who would do that?

1 A. Yes.

2 74 Q. And they would do an open-source
3 search?

4 A. Yes.

5 75 Q. What does an "open-source search"
6 mean?

7 A. Regular Internet search available
8 publicly.

9 76 Q. Okay. And then they would also do
10 a social media search on the -- on Facebook,
11 Twitter, and LinkedIn, and others?

12 A. Yes.

13 77 Q. And they would do a corporate
14 search?

15 A. When appropriate, yeah.

16 78 Q. When appropriate, if it was a
17 corporation that was registered. And they would --
18 and it's the RCMP who would gather the OCC camera's
19 observations?

20 A. If there was any, yes.

21 79 Q. And -- so all of the information
22 that was compiled here was compiled by the RCMP on
23 the basis of receiving a licence plate number from
24 the OPP or the OPS.

25 A. Yeah. Not just number, but

1 yeah -- there's letters, but yes.

2 80 Q. Letters, yes, yes. And is that
3 the extent of the verification process that the
4 RCMP did, that's referred to at paragraph 11 of
5 your affidavit?

6 A. Let me just read paragraph 11.
7 Yes.

8 81 Q. Okay. And when you created this
9 process for the RCMP, did you issue any guidance to
10 your officers as to how they were supposed to --
11 what they were looking for when they were filling
12 out the template at page 8 and 9?

13 A. No. Like I said, I delegated that
14 portion to our National Division.

15 82 Q. Okay. And what is your National
16 Division?

17 A. It's an investigative body at --
18 in Ottawa. It's called National Division, so
19 it's -- yeah. It's an investigative body.

20 83 Q. And so the National Division is
21 the one who provided guidance to the officers as to
22 how they were supposed to go about the verification
23 process?

24 A. Yes.

25 84 Q. Okay. And did they issue a

1 document to the officers as to how they were
2 supposed to do that?

3 A. I don't know.

4 85 Q. Have you made any inquiries?

5 A. If they have issued directives?

6 86 Q. Yes.

7 A. No.

8 87 Q. Okay. And so when you received
9 this direction to attend, if I can take you to
10 paragraph 5, did you do -- I asked for any
11 documents, guidelines, or directions that the RCMP
12 used or issued to its members that describe or
13 explain what is meant by "individuals and entities
14 who were -- sorry, actively involved in illegal
15 action, either by organizing or influencing the
16 illegal activities." This is at paragraph 16 of
17 your affidavit. Would such a guidance document
18 have provided information about that?

19 A. I don't know if any guidance
20 document exists.

21 88 Q. Okay. But if there was one that
22 existed, it would have been the National Division
23 who would have created one?

24 A. Yes.

25 89 Q. Okay. I would ask you to make

1 inquiries of the National Division if any guidance
2 document was created to the RCMP members and
3 produce such a document.

4 U/A MS. KOHLMAN: We're going to take that
5 under advisement. Normally, undertakings are not
6 given on cross-examinations on affidavit, and so I
7 will make some inquiries, but likely we will not be
8 providing that.

9 BY MS. KRAJEWSKA:

10 90 Q. All right. Mr. Beaudoin, if we go
11 back to your affidavit. I want to take you to
12 paragraph 6 of your affidavit. You write that the
13 RCMP's primary role with respect to implementing
14 the measures was to provide financial service
15 providers with information gathered by police about
16 people and companies potentially involved in
17 illegal activities. Can you please help me
18 understand what you meant by "illegal activities"
19 in that paragraph.

20 A. Yeah, it's the activities listed
21 under the emergency -- the Emergency Act, its
22 regulations.

23 91 Q. Okay. So you're -- so the illegal
24 activities are the activities that were contrary to
25 the Emergency Measures -- I'm assuming the

1 regulations themselves.

2 A. Yes.

3 92 Q. Okay. And what -- can you provide
4 what section specifically of the regulations you
5 define as the "illegal activities"?

6 A. I don't have it in -- in front of
7 me, but it's described in the -- in the law, what
8 those activities are.

9 93 Q. Okay. And would -- so would
10 members of the RCMP have been given direction as to
11 what part of the measures they were to enforce?

12 A. What do you mean, "directions"?

13 94 Q. Like, would they be given -- would
14 they be given a synopsis, a guidance? Was a
15 meeting held with the members of the RCMP who were
16 undertaking this implementation process to tell
17 them exactly what they were supposed to be looking
18 for when verifying and compiling this information
19 that was -- that was constituting an illegal
20 activity?

21 A. Well, there's an understanding
22 that a police officer would read the law and -- and
23 apply it to their -- their best knowledge. So I
24 didn't provide any directive other than -- like I
25 said, I delegated that part to National Division,

1 to police officers there, and that's the extent of
2 my knowledge.

3 95 Q. Okay. And so is your -- your
4 understanding, then, is that the illegal activities
5 that they were to enforce through this process were
6 those limited to the Emergency Measures
7 Regulations.

8 A. Yes. For the specific purpose of
9 sharing information with financial institutions.

10 96 Q. Okay. And so they would not --
11 for the purpose of sharing information with
12 financial institutions, they would not be looking
13 at other illegal activities, such as those that
14 would be contrary to the Criminal Code.

15 A. Well, they could certainly look at
16 it.

17 97 Q. But was that -- should they be
18 including that as part of the information they're
19 providing to financial institutions?

20 A. You're asking my opinion?

21 98 Q. You're the one who developed the
22 process, so I'm asking you as to what the RCMP
23 was -- you say that they -- the RCMP's role was to
24 implement the measures by looking at people who
25 were involved in illegal activities, so I want to

1 understand what these illegal activities that the
2 RCMP were supposed to be looking at, whether it was
3 just the Emergency Measures Regulations, or whether
4 there was also -- whether there was contravention
5 of the Criminal Code.

6 A. I think I already answered that
7 question. I explained that for the purpose of
8 sharing information, it was the -- the -- illegal
9 activities to -- in the Orders and Regulations, and
10 that as police officers, like, we're not going to
11 close our eyes to any other types of offence, so...

12 99 Q. Okay. But if the person is --
13 is -- okay. Let me -- if the person is committing
14 an illegal act contrary to the Criminal Code, but
15 they're not breaching the Emergency Regulation, the
16 RCMP would not provide that information about that
17 person to the financial institution.

18 A. I would not have. I can speak
19 only to me.

20 100 Q. You would not have. Okay. That's
21 -- that was your understanding. Okay. And
22 similarly, then, illegal activities wouldn't
23 include actions that were contrary to the City of
24 Ottawa bylaws?

25 A. Yes.

1 101 Q. Or anything that was contrary to
2 the Proceeds of Crime (Money Laundering) and
3 Terrorist Financing Act.

4 A. Yes, unless that -- you know, an
5 action could be against, you know, several laws,
6 so --

7 102 Q. Unless it overlapped with the
8 regulations.

9 A. Yes.

10 103 Q. Okay. Okay. And paragraph 6, if
11 we stick to paragraph 6, you write in the third
12 line, "people and companies potentially involved in
13 illegal activities." Can you help me with
14 "potentially"? What -- what legal standard would
15 the RCMP be using when assessing whether someone is
16 potentially involved in illegal activities?

17 A. Well, it's to assess if people
18 were involved or not.

19 104 Q. Okay. Is it -- did the RCMP have
20 to have a reasonable basis to believe that they
21 were involved? Reasonable and probable grounds? A
22 reasonable suspicion? Like, what was -- what
23 standard was the RCMP applying there?

24 A. Like, for the freezing of the --
25 the account or the -- any financial product, the

1 decision was for the -- the companies, the
2 financial institution. So we -- we had the right
3 to share information with them.

4 105 Q. Right. But what threshold did the
5 information have to meet for the RCMP to share it
6 with the financial institution? What --

7 A. If we believe --

8 106 Q. Sorry?

9 A. If we believe the persons were
10 involved in the -- in the illegal activities.

11 107 Q. If -- if the RCMP believed that
12 the person was involved in the illegal activities.

13 A. Yes.

14 108 Q. That right? Okay.

15 A. Yeah.

16 109 Q. So you did not apply a standard
17 of -- of reasonable or probable grounds, or
18 reasonable suspicion.

19 A. No.

20 110 Q. Okay. And if I take you to
21 paragraph 9, you say that: (As read)

22 "In practice, the police
23 provided financial service
24 providers."

25 And I'm assuming here, when you say "the police,"

1 what you're really referring to is only what's
2 within your knowledge, which is the RCMP.

3 A. Yes.

4 111 Q. And when you say "financial
5 service providers," you're really only talking
6 about the entities at paragraph 12; correct?

7 A. Yes.

8 112 Q. Okay: (As read)

9 "With information about
10 particular individuals or entities,
11 which the financial service
12 providers could use in conjunction
13 with other information at their
14 disposal to make their own
15 determinations about whether they
16 needed to take steps to comply with
17 the Order.

18 And so -- and you'd agree with me that the order
19 doesn't specify a procedure by which the financial
20 institutions would identify individuals or entities
21 that met the definition of "designated person"
22 themselves. So, like, for example, the Bank of
23 Nova Scotia, if they wanted to determine whether a
24 person met the definition of a designated person,
25 there's nothing in the Order -- in the Order that

1 tells the Bank of Nova Scotia how to do that. Is
2 that fair?

3 A. I'm not sure --

4 MS. KOHLMAN: You're asking him for a
5 legal opinion there. The Order speaks for itself
6 as to what it says and what it doesn't say.

7 BY MS. KRAJEWSKA:

8 113 Q. But as you -- as you say, "in
9 practice," at paragraph 9, "in practice, the
10 financial institutions obtained information
11 provided by the RCMP or other -- other government
12 institutions."

13 A. Yeah, I'm not sure on other
14 government institutions.

15 114 Q. But in practice, the financial
16 institutions received information from the RCMP,
17 at -- at least from the RCMP.

18 A. Yeah, I can only speak to the
19 RCMP.

20 115 Q. And, Mr. Beaudoin, I assume that
21 you don't know for -- you can't know whether
22 financial service providers or financial
23 institutions had any other information that they
24 relied upon, other than the information provided by
25 the RCMP.

1 A. Well, they have internal
2 information.

3 116 Q. Okay. But you don't know what
4 information -- what internal information they may
5 have.

6 A. Well, I think it's just public
7 knowledge that, you know, they would have
8 information about your name, your date of birth,
9 bank account information, transactions. Like,
10 those informations are all within their -- their
11 holdings.

12 117 Q. Okay. And other than that --
13 other than the information that the financial
14 institution has about us generally, and our banking
15 activities, and -- are you aware -- do you -- do
16 you know whether financial service institutions
17 relied on any other information in complying with
18 the order, other than what they received from the
19 RCMP?

20 A. Yeah, I don't know, but they
21 certainly has access to -- have access to the --
22 the Internet and social media as well.

23 118 Q. Okay. But they never -- did --
24 did you ever receive any communication from a
25 financial institution that they relied on other

1 information other than what the RCMP provided them?

2 A. I don't remember, to be honest. I
3 did have discussions with them about, you know,
4 different source of information such as open-source
5 information, but whether they did it or not, you'd
6 have to ask them.

7 119 Q. Okay. And we talked about
8 paragraph 11, that the -- and you -- you -- you
9 described how the RCMP served as a conduit for
10 sharing all information between police and
11 financial service providers. You'd agree that
12 there was -- there was nothing really in the order
13 that designated the RCMP as the institution that
14 would serve as this conduit. This isn't a role
15 that the RCMP undertook as part of implementing the
16 order. Is that fair?

17 A. Yeah, there was nothing in the law
18 that specified only the RCMP.

19 120 Q. And paragraph 13, you state that
20 the RCMP shared two main types of information with
21 financial service providers. First, information
22 obtained from the OPP and OPS regarding individuals
23 already identified as part of their criminal
24 investigations into the illegal protests and
25 blockades; and, 2, information regarding trucks and

1 other vehicles located in downtown Ottawa. So the
2 second part I think we covered, in terms of my
3 understanding for the second part, and the RCMP did
4 the verification that you described earlier in your
5 evidence. Is that fair?

6 A. First and second parts, yes.

7 121 Q. Okay. So let's now go over the
8 first part. So what is the information that the
9 RCMP received regarding people that were already
10 identified as part of criminal investigations?
11 What's that type of information?

12 A. I think mostly it's name, date of
13 birth, address.

14 122 Q. Okay. And did the RCMP -- was --
15 did the OPP or the OPS provide more information,
16 like the nature of the criminal investigation, or
17 how this person was a suspect in a criminal
18 investigation?

19 A. I don't remember. Like, I wasn't
20 the person actually sharing this with the financial
21 institution. They shared a -- a document -- or
22 documents, two documents, and then that was shared
23 with the financial institution.

24 123 Q. And did -- is it the same template
25 that was used for sharing that information with

1 financial institutions, the template at Appendix A?

2 A. No.

3 124 Q. It was a different template?

4 A. Yeah, I'm not sure if it's a

5 template or if it's just a document they created,

6 or...

7 125 Q. Okay. And when you say "they

8 created," it's the RCMP created?

9 A. No, the OPP or the OPS.

10 126 Q. Okay.

11 A. Like, just go back to what I said

12 earlier --

13 127 Q. Yeah.

14 A. -- like, we didn't seek any

15 information. We didn't tell them what to gather,

16 how to gather it or anything. Like, they're a

17 police officer in their own right, and they could

18 have shared this freely with the financial

19 institution. So we only took what they send us,

20 and we resend it to the -- the financial

21 institution. So there's limited information I can

22 provide you on -- on what they gathered, how they

23 gathered it and everything.

24 128 Q. Okay. Okay. That's helpful to

25 understand that. So if I can just -- a page --

1 Exhibit A of your affidavit has, at page 7, a cover
2 letter, and then pages 8 and 9 are the appendix
3 that kind of provides the information that was sent
4 to the financial institution. And as you said
5 earlier, that's the information that the RCMP
6 verified and gathered based on a licence plate
7 number.

8 And what you're telling me is that for
9 people who are already involved, for -- for those
10 individuals that were already identified as part of
11 a criminal investigation, the RCMP received
12 whatever information the OPP or OPS had already
13 gathered on those people and provided it to
14 financial institutions in whatever form that
15 information already existed. Is that fair?

16 A. Yeah. But that would have
17 included the cover page signed by an OPP police
18 officer.

19 129 Q. Okay. And so that's -- that was
20 going to be my next question. So the cover page
21 was not the cover page that's at page 7 of your
22 affidavit. It would have been a different cover
23 page that was authored --

24 A. I believe it was the same one.

25 130 Q. It was the same -- so you used the

1 exact same cover page for -- whether it was the
2 suspect's or the people that were located in
3 Ottawa.

4 A. Yeah. So we wanted an OPP officer
5 to -- you know, to -- to provide that to us in a --
6 I guess a formal manner, so we -- we obtained a
7 signature from someone.

8 131 Q. Okay. I think it would be helpful
9 if, Mr. Beaudoin, if you produced one or two
10 examples of this type of information that was
11 provided to financial institutions. And I am not
12 looking for any identifiable information about any
13 individual. I just want to -- I want to see what
14 it looked like, either by template or an example
15 with any redactions that are necessary.

16 MS. KOHLMAN: Well, he's indicated that
17 it was the same template that was -- or the cover
18 page to the template that is attached as Exhibit A.

19 MS. KRAJEWSKA: Well, okay. But I'm --
20 I'm not sure how that's -- I'm not --

21 BY MS. KRAJEWSKA:

22 132 Q. I mean, Mr. Beaudoin, was it --
23 here, there's a -- the letterhead is from the RCMP.
24 The second part of the -- the second paragraph says
25 "I am a regular member of the Royal Canadian

1 Mounted Police currently posted in the RCMP's
2 National Division." Like, was -- was this -- was
3 it the exact same letter that was used, except it
4 was an OPP or OPS letterhead? And instead of the
5 RCMP being mentioned in paragraph 2, it was the OPP
6 or OPS, and otherwise, it was the exact same form
7 of letter?

8 A. Yeah. Again, I didn't develop
9 this, so I assume that an OPP officer wouldn't sign
10 that he was an RCMP officer, but as to -- if there
11 was any change in words or anything, like -- like,
12 I don't have that knowledge.

13 133 Q. Okay. And so for this type of --
14 so, again, Ms. Kohlman, I think it would be helpful
15 in the interests of transparency to see what that
16 first type of appendix -- Exhibit A would look like
17 for that type of information.

18 MS. KOHLMAN: Can I just ask
19 Mr. Beaudoin if that would require permission from
20 the OPP or OPS to provide that?

21 THE WITNESS: To be quite honest, I'm
22 not quite sure, madam, what you're -- you're
23 asking. Are you solely asking for the cover page?

24 MS. KRAJEWSKA: Yes.

25 THE WITNESS: So just the signature

1 page?

2 MS. KRAJEWSKA: The first -- the
3 equivalent of page 7 for the type of information on
4 where it was gathered about a suspect.

5 U/A MS. KOHLMAN: We'll take that under
6 advisement.

7 BY MS. KRAJEWSKA:

8 134 Q. Okay. And, Mr. Beaudoin, just to
9 be clear, when the RCMP took it upon itself to
10 transmit that information that was received by the
11 OPP or the OPS with respect to a suspect. Is that
12 fair?

13 A. That we took it upon ourselves?
14 No, we offered it --

15 135 Q. You offered it.

16 A. Yeah.

17 136 Q. You offered. And in practice,
18 that's what happened. The OPP or OPS provided you
19 with that information, and you provided it to the
20 financial institution.

21 A. Yes.

22 137 Q. And you did not -- the RCMP did
23 not exercise any verification or validation of the
24 information that the OPP or the OPS provided.

25 A. Not that I'm aware, because they

1 could have shared it themselves.

2 138 Q. Right. So it -- you were -- it
3 was basically a flow through.

4 A. Yes.

5 139 Q. Okay. And just in terms of
6 mechanics, was it -- was -- was all of this done
7 electronically with the financial institutions?

8 A. Yes.

9 140 Q. And so you were dealing with
10 their -- their chief compliance officers or someone
11 else who was designated at the financial
12 institution to receive this information?

13 A. Yeah, I'm not sure the
14 designate -- the designation of the position that
15 would receive it.

16 141 Q. Okay. And if we stay on the cover
17 letter at page 7, is this the extent of the
18 instruction or information that was given to the
19 financial institution?

20 A. Yeah, that's the -- that's
21 included in the package that would have been sent
22 to the financial institution.

23 142 Q. Okay. And the RCMP did not tell
24 the financial institution that they would have to
25 validate the information themselves.

1 A. No. Like, they can read the law.
2 They have legal advice internally. So it's
3 certainly not up to us to tell them what to do.

4 143 Q. Okay. And the financial
5 institution had no obligation to report back to the
6 RCMP that it had verified any of the information.

7 A. Well, I don't -- I don't believe
8 so, but, again, you're asking me to answer on
9 behalf of the bank, so...

10 144 Q. Right. But they did not -- they
11 did not -- they did not come back to you and say,
12 We verified this, and as a result of our
13 verification, we're going to freeze the account.

14 A. Well, they had a duty to report
15 back to us.

16 145 Q. They had a duty to report back to
17 you that they froze the account; correct?

18 A. Yes.

19 146 Q. Yes. But they didn't have a duty
20 to report to you that they had undergone any other
21 or additional verification process.

22 A. I don't believe we received any
23 such information.

24 147 Q. Okay. Mr. Beaudoin, if we go back
25 to paragraph 7 of your affidavit, paragraph 7 says:

1 (As read)

2 "The Order gave financial
3 institutions the ability to freeze
4 financial products of individuals
5 and companies involved in prohibited
6 activities."

7 And I just want to confirm with you that when you
8 use the word "prohibited activities" here, are you
9 again referring to the prohibitions contained in
10 the Emergency Measures Regulations?

11 A. Yes.

12 148 Q. Okay, and similarly, this is not
13 -- this does not cover anything in contravention of
14 the -- of the Criminal Code, or a City of Ottawa
15 bylaw, or any other form of legislation.

16 A. Well, again, this is -- like,
17 you're asking me to, again, speak to the authority
18 of the banks. Like, I think the law speaks for
19 itself.

20 149 Q. Okay. I just -- you just -- you
21 used a different word there, "prohibited" activity
22 instead of "illegal" activities, and I just want to
23 make sure that I wasn't missing something.

24 A. Yeah, so -- yeah, so you're right.
25 So they -- they refer to the same type of offence

1 under the Emergency Order.

2 150 Q. Okay. Perfect. Thank you. And
3 at the end of that paragraph, it says, "the
4 ultimate goal to end illegal acts peacefully."
5 And, again, when you say "illegal acts" there, are
6 you referring to specifically the acts prohibited
7 under the Emergency Measures Regulation, or is it a
8 more broad term that you're using there?

9 A. No, for the -- the illegal acts of
10 the Emergency Measures Order.

11 151 Q. Okay. Thank you. Okay. Okay.
12 And if we go back to paragraph 10 of your
13 affidavit, the last three lines: (As read)

14 "To collect relevant
15 information regarding persons,
16 vehicles, and entities that were
17 believed to be directly or
18 indirectly involved in prohibited
19 activities."

20 And I think you used the term "believed" earlier.
21 When the RCMP collected the information, did the
22 RCMP, before you -- before you sent the information
23 to the financial institutions, so before you sent
24 pages 7, 8, and 9 of your affidavit to the
25 financial institutions, did the RCMP have to form

1 an independent belief about whether the person or
2 entity was involved in the prohibited activities?

3 A. Yes.

4 152 Q. Okay. And is it your
5 understanding that, similarly, when the OPP
6 gathered its information that it applied the same
7 standard?

8 A. You would -- you would have to ask
9 the OPP. Sorry.

10 153 Q. Okay. And this term, "believed to
11 be directly or indirectly involved," is that
12 standard, is that -- is your understanding of that
13 standard something that is less than having
14 reasonable and probable grounds to believe?

15 A. Again, you're asking legal opinion
16 from -- from me.

17 154 Q. I'm asking you in your capacity as
18 a police officer who understands what reasonable
19 and probable grounds is, in your -- in your role.
20 Is "believe" a lower standard than "reasonable and
21 probable grounds to believe"?

22 A. I'm not sure what to answer, and
23 I'm -- like, if the police officer believed that
24 the persons were involved, they would disclose
25 information.

1 155 Q. Okay. So sitting here today, you
2 don't know whether "believe" is a lower or higher
3 standard than "reasonable and probable grounds."

4 A. Yeah, I'm not ready to make
5 that -- that opinion.

6 156 Q. Okay. But as a police officer,
7 you understand the legal meaning of reasonable and
8 probable grounds; right?

9 A. Yes.

10 157 Q. Okay. And, Mr. Beaudoin, do you
11 understand the legal meaning of "reasonable
12 suspicion"?

13 A. Yes.

14 158 Q. And when you say "believed to be
15 directly or indirectly involved," is that a lower
16 or higher standard than reasonable suspicion?

17 A. Again, I can only refer you to if
18 we -- or the police officer believed that the
19 person was involved, the information would be
20 shared.

21 159 Q. Okay. Let me just pause for a
22 second here. Can we go off the record.

23 -- OFF THE RECORD DISCUSSION --

24 BY MS. KRAJEWSKA:

25 160 Q. We're back on the record. And,

1 Mr. Beaudoin, we talked about -- paragraph 13, we
2 talked about the -- the difference between the
3 suspects and the people who were -- suspects in a
4 criminal investigation, and then the trucks that
5 were located in Ottawa. And then at paragraph 14,
6 you -- you stated the RCMP shared with financial
7 service providers the identities of 15 entities
8 that had identified as suspects. And do you have
9 any information as to what is it the -- what crime
10 was it that these 15 entities were suspected of
11 committing?

12 A. No.

13 161 Q. Were -- was that information
14 disclosed to the RCMP?

15 A. I don't know. Again, I was not
16 the person providing this directly to the financial
17 institution.

18 162 Q. It was -- it was someone at the
19 National Division.

20 A. No, it was someone from RCMP
21 headquarters.

22 163 Q. Okay. And is "RCMP headquarters"
23 an official term, or is that just something that
24 you've said today?

25 A. No, it's an official term.

1 164 Q. Okay. Thank you. And -- and so
2 you don't know whether that information that was
3 provided with respect to those 15 individuals or
4 entities was people who were suspected of
5 committing breaches of the Emergency Measures, or
6 whether they were involved in some other type of
7 criminal activity.

8 A. No. I can't speak to all 15 of
9 them.

10 165 Q. You can't speak to all 15 of them.

11 A. Yes.

12 166 Q. Can you speak to any of them?

13 A. Not specifically. I know some of
14 them were suspected of other criminal activities.

15 167 Q. Okay. I'd ask you to provide a
16 list of the criminal activities that the 15
17 suspects were suspected of engaging in.

18 A. Again, the OPP would have that.

19 168 Q. When the OPP provided information
20 to the RCMP, did it provide -- did it disclose as
21 part of that information what they -- what these
22 people were suspected of -- what crime these people
23 were suspected of committing?

24 A. I don't know.

25 169 Q. Did you see any of the information

1 that the OPP provided to the RCMP?

2 A. Briefly. Very briefly.

3 170 Q. So you saw some of it.

4 A. Briefly.

5 171 Q. So would it have listed what crime
6 they were suspected of committing?

7 A. I don't know. Like I said, I've
8 briefly seen it.

9 172 Q. And when you say -- hold on, can
10 you put yourself on mute? Okay. Thank you -- and
11 when you say that it was -- when you saw it
12 briefly, was it sent to you by email?

13 A. Yeah, I'm not sure it was sent to
14 me, to be honest. I don't remember. But exchanges
15 were by email.

16 173 Q. So you would have seen it
17 through -- in an email.

18 A. Yes.

19 174 Q. And so -- is it possible that you
20 still have that information in your -- in your
21 email application?

22 A. Yes.

23 175 Q. Okay. Can you verify whether you
24 have it, and if so, to produce it.

25 A. Yeah, subject to --

1 U/A MS. KOHLMAN: We'll -- we'll take that
2 under advisement.

3 BY MS. KRAJEWSKA:

4 176 Q. Okay. And then later, at
5 paragraph 16, you go on to say that the RCMP and
6 other law enforcement agencies focussed their
7 efforts on identifying and disclosing information
8 pertaining to individuals and entities who were
9 actively involved in illegal action, by -- either
10 by organizing or influencing the illegal
11 activities, or by being present at the illegal
12 protest.

13 And so I assume this is the second
14 phase of the enforcement process, the first phase
15 was the -- the people who were suspected of
16 engaging in criminal activities, and this -- then
17 this is the second phase? Is that fair?

18 A. No, that would include both
19 phases.

20 177 Q. They were happening
21 simultaneously?

22 A. Yeah. Like, when it says
23 "organizing, influencing," like, it -- that
24 paragraph speaks to both processes or both conduit.

25 178 Q. Okay. And when you talk about

1 illegal action there, again, are you referring to
2 action in contravention of the Emergencies
3 Regulation?

4 A. Yes.

5 179 Q. Okay. And how did the RCMP
6 interpret "organizing" or "influencing"?

7 A. By their meaning.

8 180 Q. Okay. Can you tell me what that
9 meaning is?

10 A. Well, "organizing" is to organize
11 something. "Influencing" is to taking part in
12 organizing it also. Influencing people to attend,
13 or influencing someone to do an action.

14 181 Q. And what standard did the RCMP
15 apply to determine whether a person was influencing
16 others to be present at the protest?

17 A. Well, again, if we thought --
18 like, we believed that the person would participate
19 in the illegal action and that the information
20 would -- would make the financial -- financial
21 institution able to enforce the -- the order.

22 182 Q. Okay. And so, again, you used the
23 word "believe." So the RCMP used the standard
24 of -- of belief. It did not use the word -- it did
25 not use a standard of reasonable and probable

1 grounds?

2 A. Again, I wasn't part of the
3 collection of the information and the sharing
4 itself.

5 183 Q. Okay. But I assume that if you
6 had used the -- if the RCMP had used reasonable and
7 probable grounds, that's the word that you would
8 have used in your affidavit.

9 A. Yes. It's possible.

10 184 Q. And that's not the word that you
11 used in your affidavit.

12 A. That's correct.

13 185 Q. Okay. And as far as you're aware,
14 the RCMP did not use reasonable suspicion as the
15 standard for whether someone was influencing
16 someone to participate in a protest.

17 A. Yeah, as far as I'm aware.

18 186 Q. Okay. With respect to the -- I'll
19 call them "financial institutions," as you've
20 listed them at paragraph 12, and we talked about
21 how, in paragraph 8, that the Order and no other
22 regulations specified a procedure through which
23 financial service providers would identify
24 individuals or entities that met the definition of
25 "designated person" under the Order. Are you aware

1 whether the financial institutions, either
2 individually or through an organization, like the
3 Canadian Bankers Association, reached out to the
4 RCMP as to how they were going to identify people
5 who are designated entities?

6 A. If they have, or if I'm aware they
7 did?

8 187 Q. Both.

9 A. Yeah, I had discussions with some
10 of the financial institution, and as I said, we
11 referred them to their legal counsels, internal.

12 188 Q. Okay. So the financial
13 institutions did reach out -- they did reach out to
14 the RCMP? Is that fair?

15 A. No, I don't think that's fair.
16 Like, I held conversation with them. Reaching out
17 would mean that they, you know, they did reach out
18 themselves. So when the law was enacted, I held a
19 conversation with some of the financial
20 institutions, and any directions or advice, like,
21 we referred them to their legal counsel.

22 189 Q. Okay. So you -- you held a
23 conversation with some of the financial
24 institutions.

25 A. Yes.

1 190 Q. Yes? And when you say "it was a
2 conversation," does that mean that it was -- was it
3 a conference call or something over Zoom?

4 A. We don't use Zoom, but Team and --

5 191 Q. So it was -- it was a conversation
6 over Teams?

7 A. It could have been Teams or a
8 telephone. There was more than one, so I'm not
9 sure if they're all under one -- like, the same
10 platform.

11 192 Q. And you were one of the
12 participants in these conversations?

13 A. In some of them, yes.

14 193 Q. Okay. And they were -- so you
15 were very careful to say that the FIs were not the
16 ones to reach out to you, so was this -- was this
17 akin to an information session that the RCMP held
18 for the financial institutions?

19 A. Yeah. Just to clarify, I'm not
20 saying they never reached out, but it was a term
21 you used earlier. Like, I know I initiated some of
22 these discussions. So they may have reached out at
23 some point. I don't remember, but -- like, it
24 wasn't an information session either. It was just
25 to establish process, I guess.

1 194 Q. It was -- and it was -- it was a
2 method to establish the process by which the RCMP
3 would provide information to these financial
4 institutions.

5 A. Yes.

6 195 Q. Okay. Were you one of the leaders
7 or hosts of some of these discussions?

8 A. Yes.

9 196 Q. Okay. Did you set an agenda for
10 these discussions?

11 A. No.

12 197 Q. Did you prepare notes for these
13 discussions?

14 A. I have notes, yeah.

15 198 Q. And are these notes your speaking
16 notes about the information that you provided to
17 the attendees?

18 A. No.

19 199 Q. What are the notes?

20 A. Just notes that I made after the
21 meeting.

22 200 Q. So notes of the discussion of what
23 was said?

24 A. Yes.

25 201 Q. Okay. I'd ask that you --

1 A. Not --

2 202 Q. Oh.

3 A. I'm sorry. Not everything that
4 was said, but a -- a summary of -- of the -- of the
5 meeting.

6 203 Q. Okay. I'd like you to produce a
7 copy of those notes.

8 MS. KOHLMAN: What is the relevance?

9 MS. KRAJEWSKA: I think it goes --
10 Mr. Beaudoin is the one who was responsible for
11 overseeing the process used by the RCMP to verify
12 the information. He held meetings with financial
13 institutions who ended up -- who ended up freezing
14 accounts or reporting suspicious transactions. The
15 RCMP was a conduit for this information. I think
16 it goes to everything that Mr. Beaudoin speaks
17 about in his affidavit with respect to that process
18 and what information the financial institutions
19 were given, and how they relied upon for the -- on
20 the RCMP for that information.

21 R/F MS. KOHLMAN: I think I'm going to
22 refuse that one.

23 MS. KRAJEWSKA: That's fine.

24 BY MS. KRAJEWSKA:

25 204 Q. Mr. Beaudoin, do you have -- do

1 you maintain a calendar on Outlook, or another type
2 of calendar software?

3 A. Yes.

4 205 Q. And would the dates of the
5 meetings with the financial institutions that you
6 hosted, would they be in that calendar?

7 A. I assume they would still be there
8 unless they get deleted at -- after a number of
9 time. Like, I don't know.

10 206 Q. Okay. I would like you to provide
11 the dates on which these meetings with the
12 financial institutions were held.

13 R/F MS. KOHLMAN: We're also going to
14 refuse that. But it would have been within that
15 time frame of February 15th to 23rd, when -- when
16 the Order and Regulations were in effect.

17 BY MS. KRAJEWSKA:

18 207 Q. Is that fair, Mr. Beaudoin? Would
19 it have happened on the 15th or -- like, the
20 Emergency Order was declared on the -- on the 14th,
21 so would those meetings have been held on the 15th,
22 16th, or 17th?

23 A. Yeah, it would have been during
24 that week, and it could have been -- no, I would
25 think that the last one was before the -- the Order

1 was revoked.

2 208 Q. Did the RCMP issue any guidance to
3 the financial institutions about the process that
4 would be used in writing?

5 A. I'm sorry? Writing what?

6 209 Q. In writing. Sorry, in a -- in a
7 written document. Did -- did you provide any of
8 the information to financial institutions about the
9 process that would be used by the RCMP to provide
10 information to financial institutions, did you
11 provide any of that -- that process information in
12 writing to financial institutions?

13 A. I'm not quite sure exactly what
14 you're referring to. Like, we provided them the
15 templates, as -- as we discussed earlier. What
16 other processes are you talking about that we would
17 have provided them directive?

18 210 Q. Okay. Sorry. I'll try to make
19 this clear. So you -- you held these meetings with
20 the financial institutions. As a result of those
21 meetings, either -- or before those meetings, did
22 any of the -- the topics that you discussed at
23 those meetings, were they also provided to the
24 financial institutions in written form?

25 A. I don't believe so. I don't

1 remember.

2 211 Q. You -- did you ever prepare
3 anything in writing for the financial institutions
4 arising from those meetings?

5 A. I don't believe so. Like, it's
6 been a few months, but -- I don't remember, but I
7 don't think I did.

8 212 Q. Okay. And did the RCMP provide
9 financial institutions with any advice on how they
10 should ensure compliance with the order?

11 A. No. As I stated a few times, we
12 referred them to their internal legal team.

13 213 Q. Okay. And let's now move to
14 paragraph 20 of your affidavit. So paragraph 20
15 provides: (As read)

16 "In total, the RCMP disclosed
17 information on approximately 57
18 entities and individuals to
19 financial service providers and
20 approximately 257 accounts were
21 frozen."

22 And is it your information that for the 57 entities
23 that the RCMP provided information about, that for
24 each of those entities, their related accounts were
25 frozen?

1 A. I don't know.

2 214 Q. You personally do not know.

3 A. I don't -- yes, that's correct.

4 215 Q. But the -- but the financial
5 institution had the obligation under Section 5 of
6 the Order to report to the RCMP whether it had
7 complied with -- whether -- whether it had frozen
8 the accounts; correct?

9 A. Yes.

10 216 Q. So the financial institution would
11 have reported back to the RCMP about whether the
12 accounts of the 57 entities would have been frozen;
13 correct?

14 A. Only if they would have been
15 frozen, yes.

16 217 Q. Only if they would have been
17 frozen. And was the -- was someone at the RCMP
18 checking whether the information that was provided
19 to the financial institutions correlated with which
20 entities' accounts were frozen?

21 A. So we would have kept a copy of
22 what we provided to the financial institution, and
23 as well, we were keeping track of what was being
24 disclosed to the RCMP.

25 218 Q. So the information -- you were

1 keeping track of the information going out to the
2 financial institution and the -- and the
3 information coming back from the financial
4 institution; correct?

5 A. Yeah. And when I say "we," like,
6 I don't include myself because I -- I wasn't doing
7 that work, but other employees were.

8 219 Q. Right. And -- and is it fair to
9 say, then, that the RCMP was monitoring whether the
10 information that went out matched the information
11 that came back from the financial institution, so
12 you would know whether if you reported on Entity A,
13 whether the financial institutions froze the
14 accounts of Entity A.

15 A. I don't know if we monitored --
16 monitored, but we certainly had the capacity to do
17 it by monitoring the outgoing and incoming.

18 220 Q. Okay. I'd ask that you find out
19 whether that was monitored and whether, in fact,
20 the accounts of the 57 entities for which
21 information was provided by the RCMP to the
22 financial institutions, whether the accounts of
23 those 57 entities were frozen.

24 U/A MS. KOHLMAN: We'll take that under
25 advisement.

1 BY MS. KRAJEWSKA:

2 221 Q. Okay. And, Mr. Beaudoin, I
3 assume, as you've said earlier, that financial
4 institutions may also have received information
5 from other sources; correct?

6 A. I don't know. Like, what I said,
7 I think, is that they had access to information
8 independent of what was provided to them.

9 222 Q. Right.

10 A. So I -- I think there's a
11 difference between assuming that they would have
12 received information contrary to information
13 already in their possession.

14 223 Q. Okay. But it's -- it's fair to
15 say that they -- that -- broadly speaking, there
16 may have been other entities that could have been
17 providing them with information, or the financial
18 institutions could have been seeking out their own
19 information.

20 A. I don't know.

21 224 Q. You don't know. Is one of the
22 questions that the financial institutions asked you
23 during your calls with them, did they ask you
24 specifically whether they had to undertake their
25 own information efforts to identify designated

1 persons?

2 A. I'm not sure if that question was
3 asked specifically, but there was discussion about
4 other type of information that they could access.
5 And that, you know, we were providing them
6 information, but sometimes it could be compared to
7 other information that they would have for them to
8 make the determination.

9 225 Q. Okay. And we talked about how the
10 RCMP received information from the financial
11 institutions about which entities or accounts they
12 froze. And, I'm sorry, I may have already asked
13 you this question, and Ms. Kohlman will -- will
14 verify if I have. But the financial institutions
15 were under no obligation to inform the RCMP about
16 whether they -- the financial institution -- took
17 any other steps before freezing any accounts. Or
18 verify any other information.

19 A. Yeah, no, that's correct. Like, I
20 don't -- I don't know if they did or -- or did not,
21 and I don't think they had any --

22 226 Q. Obligation.

23 A. -- obligation to tell us if they
24 did or not.

25 227 Q. No. Okay.

1 MS. KOHLMAN: Could we go off the
2 record for a second.

3 MS. KRAJEWSKA: Yes.

4 -- OFF THE RECORD DISCUSSION --

5 BY MS. KRAJEWSKA:

6 228 Q. Okay. Mr. Beaudoin, I'd like to
7 speak to you now about Exhibit C to your affidavit,
8 which is at page 21 of your affidavit. This is an
9 email that the FPCO financial crime -- I'm assuming
10 that's an email from the RCMP; correct?

11 A. Yes.

12 229 Q. That it sent to financial
13 institutions, letting them know that some entities
14 were no longer believed to be engaged in prohibited
15 activities, and I just wanted to go to paragraph 2
16 of that email. It states: (As read)

17 "Not taking into account
18 independent information available to
19 financial entities, the RCMP no
20 longer believes the above-mentioned
21 individuals or entities are engaged
22 in conduct or activities prohibited
23 under the EMR, and therefore no
24 longer meet the criteria of a
25 designated person under the Order."

1 Do you see that?

2 A. Yes.

3 230 Q. Now, is this the only time between
4 February 14th and 21st that the RCMP sent out this
5 type of an email?

6 A. With this specific information?

7 231 Q. Yes, that these -- these people
8 were no longer believed to be designated persons.

9 A. Yes.

10 232 Q. Okay. And did the RCMP send out
11 emails before this where it provided an opinion
12 that -- that persons or entities were designated
13 persons? So basically the reverse of what's at
14 paragraph 2 here.

15 A. No. The only thing we provided is
16 the -- the template, as provided in that Appendix
17 A.

18 233 Q. Okay. And so in terms of template
19 emails that were sent to financial institutions,
20 they were only in the form at page 7 or in the form
21 at page 21?

22 A. What do you mean by "template"?

23 234 Q. Sorry. So you -- you say that the
24 only types of communications that went -- I'm
25 saying template for page 7. It's not really a

1 template at page 21. It's an email. But was there
2 any other type of email that went to financial
3 institutions that informed them that a person --
4 that the RCMP believed that a person was a
5 designated entity or was not a designated entity?

6 A. No. So the -- the reason I ask
7 you to clarify is that there -- there most likely
8 been other communication with the financial
9 institution, but you're right. In the case whether
10 we would advise or -- like in page 7 or 21, yes.

11 235 Q. Okay. And when you say "there was
12 most likely other types of communications with
13 financial institutions," what other types of
14 communication are you thinking of?

15 A. Again, I wasn't -- other than some
16 of the Team or phone conversations, I wasn't the
17 person providing them with disclosure, so -- but
18 they may have asked, you know, questions, or I know
19 at some point some financial institution wanted to
20 be included in the distribution list, so there may
21 have been emails about that or -- but, again, I'm
22 -- I'm not the one that was on the receiving end.

23 236 Q. And when you say "a financial
24 institution wanted to be included on the
25 distribution list," I'm assuming that the RCMP

1 created a distribution list of entities that are
2 listed at paragraph 12 of your affidavit?

3 A. Yes. So we started with some
4 financial institution and we added as -- as -- you
5 know, either through identifying other entities
6 that -- that may have holdings or entities
7 themselves wanting to be on the distribution list.

8 237 Q. Okay. And who made the decision
9 as to who to -- who was included at paragraph 12?
10 Was it someone at the RCMP who decided to whom
11 to -- to disclose this information?

12 A. Yes. So it was evolving. Like I
13 said, it started with major banks, and then as
14 the -- the week went on, additional bodies were
15 included.

16 238 Q. And was it someone at the RCMP who
17 decided who to include that, or was that decided by
18 the Minister of Public Safety and Emergency
19 Preparedness?

20 A. No, it would have been within the
21 RCMP.

22 239 Q. Okay. Okay. And at paragraph 23
23 of your affidavit, you state that: (As read)

24 "The RCMP clearly communicated
25 to these electronic financial

1 service providers that the Order was
2 not to be applied retroactively and
3 could only be applied while the
4 Order was in effect."

5 And I assuming you're -- when you're talking about
6 "electronic financial service providers," you're
7 talking about the bitcoin wallets and the
8 cryptocurrency. Is that fair?

9 A. Yes.

10 240 Q. Okay. And how was it communicated
11 that the order was not to be applied retroactively?

12 A. I'm not sure if it was in writing
13 or in -- during telephone conversations.

14 241 Q. Okay. If it was in writing, I
15 would ask that that document be produced.

16 U/A MS. KOHLMAN: We'll take that under
17 advisement.

18 BY MS. KRAJEWSKA:

19 242 Q. And, Mr. Beaudoin, when you -- so
20 did you also -- did you have similar calls that you
21 had with the financial institutions with the
22 electronic service providers as well?

23 A. Not me personally.

24 243 Q. But someone else at the RCMP?

25 A. Yes.

1 244 Q. So that person had a similar kind
2 of information call with people who are engaged in
3 bitcoin or cryptocurrency?

4 A. I know she had discussions with
5 them. Again I wasn't part of the discussion, so I
6 can't speak to, like, if the call was similar or
7 not, but there was discussions with the -- the
8 exchanges.

9 245 Q. And did you and she have
10 conversations about what information you would
11 provide to the financial service providers
12 generally?

13 A. What are you referencing to? Are
14 you referencing the exchanges or the -- the more
15 traditional financial entities?

16 246 Q. So, sorry, I meant -- so I
17 understand you had a call with the more traditional
18 financial service providers. Your colleague had a
19 call with the electronic financial service
20 providers; correct? And did -- did you and your
21 colleague coordinate what information you would
22 provide to each of these financial service
23 providers?

24 A. Not specifically, no.

25 247 Q. What do you mean by "not

1 specifically"? Like, generally, did you have a
2 conversation about what you would speak to them
3 about?

4 A. Not really. Like, the information
5 shared with the exchanges is very much different
6 than the ones with financial institution.

7 248 Q. Okay. And at paragraph 29, you
8 say that: Individuals who had -- this is the
9 second sentence: (As read)

10 "Individuals who had their
11 account frozen would have to contact
12 their financial service provider to
13 make arrangements to unfreeze their
14 accounts. The RCMP facilitated this
15 process by remaining in
16 communication with financial service
17 providers."

18 How were -- how were individuals informed that they
19 could make arrangements to unfreeze their accounts?

20 A. So this wasn't the duty of the
21 RCMP; so I'm not sure if it's all service provider,
22 but some of them would advise their clients that
23 their -- you know, some of their assets would be
24 frozen. So that discussion would have had to occur
25 with their clients, not the RCMP specifically,

1 because we -- we didn't freeze the assets
2 ourselves.

3 249 Q. And would the RCMP then receive
4 queries from financial institutions about whether a
5 person is continuing to engage in illegal
6 activities and to update the financial institution
7 with information?

8 A. So what we -- the discussions
9 we've had with the financial institution, it was
10 really much for them to determine this, and that
11 when possible, we would exchange information with
12 them. But, again, given the situation in the
13 downtown area, it's not like we could obtain the --
14 the identity of all people there or people that
15 would have left in cars that would be towed and
16 everything, so public safety was -- was the
17 priority there.

18 250 Q. Okay. But to be fair to you, on
19 February 21st, the RCMP did inform financial
20 institutions about persons whose accounts could now
21 be unfrozen.

22 A. Well, we didn't tell them to
23 unfreeze the accounts. We told them that based on
24 what we know, independent of what the banks could
25 know, we didn't believe these people were

1 committing the illegal offence.

2 251 Q. Right. And the -- as far as --
3 and you -- the RCMP does not know whether the
4 financial institutions took any other steps to
5 determine whether the person should still be a
6 designated person.

7 A. That's correct, I don't know.

8 252 Q. And did the financial institutions
9 provide information to the RCMP that they had
10 unfrozen certain accounts after February 21st as
11 well?

12 A. I don't remember if they did or
13 not. Like, I don't remember that they did.

14 253 Q. Okay. So -- because we talked
15 about earlier how the financial institutions
16 provided information to the RCMP about accounts
17 that they had frozen. But you're not aware about
18 whether they provided information to the RCMP about
19 whether accounts were unfrozen.

20 A. Yeah, I don't think they had
21 the -- the -- the duty to -- to do so. So this is
22 why I don't believe they did, but --

23 254 Q. Right. And at paragraph 31 of
24 your affidavit -- oh, sorry. That's not where I
25 want to be. At paragraph -- sorry -- yeah, 31, I'm

1 sorry: (As read)

2 "Attached as Exhibit D is a
3 copy of the RCMP statement about the
4 unfreezing of accounts released by
5 the RCMP on February 23, 2022."

6 So that's at page 24 of your affidavit and 25 in
7 French. So this is an -- this is a statement that
8 the RCMP issued, and did it send to all financial
9 institutions?

10 A. I'm just going to take a minute to
11 read it.

12 255 Q. Yeah.

13 A. Okay. So what is your question?

14 256 Q. So your -- you say in your
15 affidavit that this is a statement about the
16 unfreezing of accounts, and that is what the title
17 says, "Emergencies Act, unfreezing of accounts,"
18 but you'd agree with me that this statement does
19 not tell the financial institutions that they may
20 unfreeze accounts as of February 21st, 2022.

21 A. It doesn't say that they must, but
22 as of February 21st, you're...

23 257 Q. Okay.

24 A. But they certainly may. Like,
25 they -- they may have unfrozen accounts any day of,

1 you know, during that week. Nothing would have
2 prevented them.

3 258 Q. Any day starting February 21st.

4 A. Yeah, any day of -- during --
5 while -- you know, while the law was in -- in
6 effect, they could have unfrozen accounts. Like,
7 you used the word "may," so I just wanted to
8 clarify that we didn't tell them that they must.
9 But they had the obligations -- I think the term is
10 on a continuous basis to assess whether, so they
11 could have unfrozen accounts throughout that week.

12 259 Q. And to your knowledge, did the
13 financial institutions come to you to ask for
14 further information before they unfroze accounts?

15 A. We discussed process. So do you
16 mean specific information on a specific person?

17 260 Q. Generally speaking. I don't have
18 a specific individual in mind, but what the -- as a
19 matter of practice, did the financial institutions
20 come back to the RCMP to verify that they were able
21 to unfreeze certain accounts?

22 A. No, not specifically. What was
23 discussed was a process which they could use to
24 determine if the person was still involved.

25 261 Q. And what was that process?

1 A. It was never put in place. It was
2 general discussions and more brainstorming, if
3 you -- if I may, to -- because the duty was on
4 them, so it was more like a discussion as to what
5 they could or could not do or -- have access, for
6 example. One thing would be to have a person
7 attend one of their branches outside, you know, the
8 protest area. So those were discussions as to
9 whether they put that in place or not. I don't
10 know.

11 262 Q. So I'll try to summarize to
12 help -- to help ensure that I understand your --
13 your evidence. So as part of the -- the telephone
14 or Teams calls that you had with financial
15 institutions, one of the things that you did was
16 brainstorm with the financial institutions how they
17 could undertake further verification of information
18 to determine whether a person is a designated
19 person.

20 A. Yes.

21 263 Q. But no formal process was put in
22 place by the RCMP to assist financial institutions
23 to do that.

24 A. No, no formal process. We offered
25 assistance, you know, keeping in mind the volatile

1 nature of the -- the protests and the downtown
2 area. So we offered assistance when -- when we
3 could, but I think the 21st was the Monday at that
4 point. Things were cleared, so this is when we
5 sent that email to the financial institutions.

6 264 Q. Right.

7 A. As to what they use internally,
8 like, I don't have that knowledge.

9 265 Q. And just going back to that email
10 from February 21st on page 21 and 22, there's
11 actually a second email on -- on page 22 that was
12 sent earlier on February 21st at 12:23 p.m. from
13 Kelley Hughes. She -- she says: (As read)

14 "We would like to reassure you
15 that it remains a priority to
16 communicate information that may
17 assist listed entities with their
18 assessments to unfreeze financial
19 products related to the disclosures
20 of designated personal information."

21 And then, later on, at about 45 minutes later, at
22 1:14, the email is sent that we discussed, that
23 provides a list of entities where the RCMP no
24 longer believes that they're designated persons.
25 That 12:23 email, Mr. Beaudoin, what prompted that

1 email where financial institutions reaching out to
2 the RCMP for information, and this was an email to
3 reassure them that some information would be
4 forthcoming shortly?

5 A. Yeah, they were not necessarily
6 asking information, but wondering about process.
7 So, yeah, there was discussions, and -- yes.

8 266 Q. And when you say "they were
9 wondering about process," what do you -- what do
10 you mean exactly?

11 A. Unfreezing, to unfreeze the
12 account.

13 267 Q. So what process the financial
14 institution should undertake before they unfreeze
15 accounts.

16 A. Yeah. Again, we wouldn't provide
17 advice on -- on what they should be doing, but,
18 like, the law provided us the opportunity to share
19 information; so our part was more as to what
20 information we could share with them to do that.

21 268 Q. And did you receive that request
22 for information or assistance from financial
23 institutions by email?

24 A. I can't remember.

25 269 Q. Did Ms. Hughes receive that

1 request for information?

2 A. I don't know.

3 270 Q. Does Ms. Hughes work with you?

4 A. Yes.

5 271 Q. Is she subordinate to you, or --
6 or not?

7 A. Yes.

8 272 Q. Okay. And so would she have sent
9 out these emails on your instructions?

10 A. Yes. Definitely the -- definitely
11 the one at 1:14 p.m.

12 273 Q. Okay. And that email was sent out
13 at 1:14 p.m. because I think February 21st is
14 the -- is the Tuesday after the weekend, and the
15 protest in Ottawa had been cleared by Monday;
16 correct?

17 A. I'm just going to refer to my --
18 just a calendar, not --

19 274 Q. Yeah, that's fine.

20 A. So I have the 21st as a Monday,
21 not a Tuesday.

22 275 Q. Okay. Sorry. So the 21st was the
23 Monday after the protest was cleared over the
24 weekend; correct?

25 A. Yes.

1 276 Q. Okay. And could you verify,
2 Mr. Beaudoin, if whether you or Ms. Hughes received
3 requests for updates or information from financial
4 institutions on February 20th or 21st about what
5 process the financial institutions should use to
6 unfreeze accounts and to produce those emails?

7 U/A MS. KOHLMAN: We'll take that under
8 advisement as well.

9 MS. KRAJEWSKA: Thank you.

10 BY MS. KOHLMAN:

11 277 Q. Okay. And, Mr. Beaudoin, I'd like
12 to take you back to paragraph 17 of your affidavit.
13 You state at paragraph 17 that: (As read)

14 "The RCMP did not disclose
15 information pertaining to those who
16 made donations in support of the
17 protests or who purchased
18 merchandise supporting the protests
19 as it would have had no immediate
20 impact to end the protest
21 peacefully."

22 You see that?

23 A. Yes.

24 278 Q. And so your understanding of the
25 goal of the Emergency Measures was to end the

1 protest peacefully?

2 A. I can't speak to the goal. I can
3 speak to how we used it. So for the goal, you
4 would have to speak with the -- the lawmaker.

5 279 Q. Okay. Well, I'm only taking that
6 from your last sentence, which says "as it would
7 have no immediate impact to end the protest
8 peacefully." Was it your -- was that the RCMP's
9 goal was to end the protest peacefully?

10 A. Yes. So as I said, like, that
11 paragraph speaks to our use of the legislation, so
12 why the legislation was put in place, like, I'm not
13 the person that put it in effect.

14 280 Q. Okay. And your view, or the
15 RCMP's view, was that disclosing who made donations
16 would not have assisted that immediate objective.

17 A. Yes.

18 281 Q. And you're aware that in the
19 Regulations, one of the provisions, Section 5,
20 provides that a person must not directly or
21 indirectly use, collect, provide, make available,
22 or invite a person to provide property to
23 facilitate or participate in any assembly referred
24 to in Subsection 2(1), which is a -- a public
25 assembly, or for the purpose of benefitting any

1 person who is facilitating or participating in such
2 activity, and, I'm sorry, I probably shouldn't have
3 read that out because it's really long, but --

4 MS. KRAJEWSKA: Mr. Chung, sorry, could
5 you put that on the screen. Section 5 of the
6 Regulations, yeah.

7 THE WITNESS: I think I -- I heard you
8 correctly, but --

9 BY MS. KRAJEWSKA:

10 282 Q. All right. I'm sorry, I just --
11 sometimes reading out is not helpful. And do you
12 agree, Mr. Beaudoin, that one of the understanding
13 of this provision is a prohibition on donating to
14 anyone who's engaged in the public assembly?

15 A. I think we could have enforced it,
16 yes.

17 283 Q. Yes. Okay. So you didn't enforce
18 that part of the -- you didn't enforce that part of
19 the order.

20 A. Well, we didn't -- we didn't focus
21 on people that donated money.

22 284 Q. Right. So you -- okay. So you
23 didn't -- you didn't --- you didn't seize the
24 accounts of -- provide information about people who
25 donated to the protest, or bought merchandise at

1 the protest.

2 A. Yeah, unless -- unless they would
3 have been parked and their cars would have been
4 there, but independently, we didn't focus on -- on
5 donors.

6 285 Q. Right. Even -- even though that
7 was one of the illegal activities that was defined
8 in the Regulations.

9 A. Yeah. As I said, we -- I think
10 legally, we could have.

11 286 Q. Right. And that's because, in
12 your -- in the RCMP's view, you didn't think that
13 that would assist in ending the protest peacefully.

14 A. Well, it wasn't a priority at the
15 early stage, so we didn't know at that point if --
16 if the protests would last weeks or months, but in
17 the early stage, we -- we focussed on the persons
18 that -- that were present or vehicles that were
19 present.

20 287 Q. But your goal, as you said, was to
21 end the protest peacefully, and enforcing against
22 people who donated would not have an immediate
23 impact on that goal.

24 A. No. Not at that point. And if
25 I -- if I may clarify, we could have used it at a

1 later point, but -- and that paragraph stemmed from
2 news articles, or people saying that small
3 donations, their assets were frozen, so we didn't
4 target these people. Of course, not saying any
5 donation would have been ineffective at targeting,
6 depending on the amount and -- and what the money
7 was used for. So I just want to put that into
8 perspective.

9 288 Q. Right. And -- and obviously
10 subsequent to the emergency declaration being
11 revoked, you didn't enforce that provision either;
12 right?

13 A. No.

14 289 Q. And you also state at paragraph 32
15 that you did not share information with insurance
16 providers.

17 A. That's correct.

18 290 Q. And, again, because in the RCMP's
19 view, that would not have assisted in ending the
20 protest peacefully.

21 A. Yeah, and the -- I think the main
22 reason was to allow people to leave freely, and
23 legally, because if you revoke insurance, you
24 couldn't have done that.

25 291 Q. Right. And even though the order

1 does provide at Section 3 a list of institutions
2 that include insurance -- insurance providers;
3 correct?

4 A. Yes.

5 292 Q. And are you aware -- because
6 insurance providers -- sorry. Insurance providers
7 still had an obligation to freeze the accounts of a
8 designated person; correct?

9 A. Yes.

10 293 Q. Did you hold any information
11 sessions or information calls as we kind of
12 discussed earlier with any insurance providers?

13 A. I'm just going to correct you. I
14 think you said that they had a duty to freeze
15 accounts, so of course insurance provider wouldn't
16 freeze an account. I think their duty would have
17 been to revoke insurance on -- on a vehicle. So I
18 didn't have any calls to share information. I
19 received one call from an insurance -- I can't
20 remember if he was an insurance company, provider,
21 or representing a group of insurers, but basically
22 I received a call, and I told him that at that
23 point, we're not sharing any information with them.

24 294 Q. Okay. And you don't remember
25 who -- whether that call was received from an

1 industry group or an individual insurance provider.

2 A. I don't. I don't remember, no.

3 295 Q. Okay. And even though the RCMP
4 didn't share that information with insurance
5 providers, insurance providers still had a duty to
6 report to the RCMP if they were in possession of
7 any property from designated persons; correct?

8 A. Yeah, I'm not sure they would be
9 in possession of property of a designated person,
10 but they would have revoked insurance, I guess.

11 296 Q. And are you aware if any insurance
12 providers reported to the RCMP?

13 A. They have not.

14 297 Q. They did not.

15 A. No.

16 298 Q. So I mean, insurance -- so -- but
17 obviously there were insurance providers who had as
18 clients designated persons. Like, that's
19 reasonable to believe; right?

20 A. Yeah, that's your belief.

21 299 Q. Well, I mean, anyone who had a
22 truck or a car who was in Ottawa would have had
23 insurance on that truck or car; correct?

24 A. Well, you need insurance to drive
25 in -- in Ontario.

1 300 Q. Right. So it's reasonable to
2 believe that anyone who was participating in the
3 protest using their car or their truck would have
4 had -- would have -- would have been a client of an
5 insurance provider.

6 A. Again, madam, this is your -- your
7 belief. Like, the law states that you need
8 insurance to drive in Ontario. These people were
9 parked on the side of the street, so...

10 301 Q. Right. So it's a reasonable
11 belief that -- you would agree with me that it's a
12 reasonable belief.

13 A. Well, I don't normally provide
14 belief in testimony, so I can state the facts.

15 302 Q. Okay. Well, all right. Then is
16 it -- I mean, we won't get into the debate about
17 belief because we already did that earlier today.
18 Is it a -- was it a -- is it a reasonable inference
19 that a person who was participating in the protest
20 in Ottawa would have had an insurance provider?

21 A. I don't know. Like, I'm trying to
22 explain to you, you know, if you drive a vehicle
23 legally, you're supposed to have insurance on your
24 vehicle.

25 303 Q. Okay. So let's assume -- okay.

1 But, Mr. Beaudoin, you're telling -- you're -- I'm
2 going to take those as refusals for now. You're
3 telling me that, as far as you know, no insurance
4 provider reported -- even though they had a duty to
5 disclose to the RCMP or CSIS, you're telling me
6 that as far as you're aware, the RCMP did not
7 receive any information from any insurance
8 providers, as they're defined at Section 3 of the
9 Order?

10 A. That's correct.

11 304 Q. And so were insurance providers
12 basically informed by somebody that they did not
13 have to comply with the Order?

14 A. I think they had to comply with
15 the Order.

16 305 Q. But it sounds like they did not
17 comply with the Order.

18 A. The only thing I can speak to, my
19 knowledge, is that the RCMP did not share
20 information with insurance providers.

21 306 Q. Right. And insurance providers
22 would have had to come to their own determination
23 whether a person was a designated person; correct?

24 A. That's correct.

25 307 Q. And yet the insurance providers

1 did not disclose any information to the RCMP about
2 any of their clients.

3 A. That's correct.

4 308 Q. And do you have any information,
5 knowledge, or belief as to why they would not have
6 done that?

7 A. I don't know.

8 309 Q. Okay. And at your -- you say at
9 paragraph -- at paragraph 34 and 35, you
10 describe -- 34 and 35 of your affidavit, you
11 describe the utility of the Order, and you say
12 that:

13 "The powers granted under the
14 Order allowed the RCMP and other law
15 enforcement agencies to work closely
16 with Canadian financial institutions
17 to implement asset freezes that
18 strongly encouraged individuals to
19 leave the illegal protests and deter
20 the counselling of others to engage
21 in prohibited activities."

22 Do you see that?

23 A. Yes.

24 310 Q. So would you agree that, generally
25 speaking, the -- the regulations also provided a

1 form of deterrence from others from joining the
2 activities?

3 A. I would think so, yeah.

4 311 Q. And they also -- and as you say,
5 they encouraged people to leave the protest as
6 well.

7 A. Yes.

8 312 Q. And you say yourself that the
9 threat of using the measures was also used as a way
10 to encourage people to leave peacefully.

11 A. I wouldn't say -- are you making
12 reference to when we would call people?

13 313 Q. So -- you could -- you could -- I
14 understand that the RCMP or the OPP or the OPS
15 would talk to people who were at the protest, and
16 if those people agreed to leave peacefully, then
17 their information would not be provided to
18 financial institutions. Is that fair?

19 A. I can't speak to on the ground,
20 but internally we did call people before sharing
21 information. So I can't speak to all the police
22 officers on the ground to what was said or not
23 said. I can speak to the -- I guess the RCMP
24 process, and -- and we did speak with either
25 business owners, or people that were present, about

1 when we gathered information.

2 314 Q. Okay. So -- okay. So help me a
3 little bit with that. So we talked about the
4 gathering of information and the template at page 8
5 or 9, and so is -- is what you're saying that after
6 you gathered the information at page 8 or 9, an
7 RCMP officer would call that individual and let
8 them know that they -- their information was going
9 to be transmitted to a financial institution?

10 A. Well as part of the process in
11 page 8 or 9, efforts would be made to contact
12 either the person or the business owner of the
13 vehicle, and then we would -- well, not me
14 personally, but an investigator would have
15 discussions -- a discussion about their vehicle
16 being present in the downtown area.

17 315 Q. Okay. And then -- and what would
18 be said after that?

19 A. Well, again, I wasn't part of
20 these discussions. My understanding is that, you
21 know, depending -- the discussion would -- would
22 and should -- like, depending what would be said,
23 some people said that they -- they were there and
24 they were not leaving. Other people said they
25 tried -- they were trying to leave but were

1 blocked. So, you know, different situation, and
2 other people couldn't be reached.

3 316 Q. Okay. And so based on, as you
4 say, kind of the flavour, or the outcome of that
5 discussion, would the investigator then use their
6 discretion to decide whether or not to transmit
7 that person's information to the financial
8 institution?

9 A. Yes.

10 317 Q. Okay. So in your view, was the
11 threat of the use of this order also a means of --
12 of having people leave the protest?

13 A. Yeah, it was during discussions, I
14 think, it was discussed with people, what the
15 consequence is of staying there. Like, I don't
16 know if threats is a -- too harsh of a word, but
17 certainly consequences.

18 318 Q. Okay. So that's fair. So -- so
19 the investigator would inform the person that if
20 they remained at the place of the protest, there
21 would be consequences for their decision to remain,
22 and one of those consequences would be that their
23 information would be provided to financial
24 institutions, which may lead to the freezing of
25 their accounts.

1 A. That's correct. Again, I can't
2 speak to every single discussion, or how many
3 people could be reached, but there was -- there was
4 efforts being made in that -- that sense.

5 319 Q. Okay. And this is the information
6 that you have with respect what the RCMP was doing
7 over the phone, and you said you don't have
8 information about what the RCMP, or the OPP, or OPS
9 were doing on the ground.

10 A. That's correct.

11 320 Q. Would it be your belief that they
12 would be doing something similar on the ground in
13 terms of the conversations they were having?

14 A. I don't know.

15 321 Q. Okay. All right. Let me -- if I
16 could just take 5 minutes, if we could go off the
17 record.

18 -- RECESS AT 2:05 --

19 -- UPON RESUMING AT 2:10 --

20 BY MS. KRAJEWSKA:

21 322 Q. Mr. Beaudoin, at paragraph 3 of
22 the direction to attend, I asked for you to produce
23 any examples of correspondence or documents
24 exchanged between the RCMP, the Ontario Provincial
25 Police, and the Ottawa Police Service, by which the

1 RCMP sought out and collected relevant information
2 regarding persons, vehicles, and entities. And
3 you've -- we've -- you've discussed that, that you
4 received information from the Ontario Provincial
5 Police and the Ottawa Police Service. I'd like you
6 to produce the documents that you received from the
7 OPP and the OPS that you then transmitted to the
8 financial institutions.

9 R/F MS. KOHLMAN: We're refusing this one
10 on several grounds. Firstly, we would require the
11 permission of the OPP and OPS to do so. It seeks
12 discovery-like production, which is not appropriate
13 in a judicial review, and it's of little to no
14 relevance.

15 MS. KRAJEWSKA: Is there any law that
16 prohibits you from producing documents that you
17 receive from the OPP or the Ottawa Police Service?

18 THE WITNESS: Yeah, I'm not -- I'm not
19 aware. I'll let Kathleen answer as to whether
20 there's any law, but...

21 MS. KOHLMAN: Normally when documents
22 are provided, they're not to be shared with third
23 parties without specific permission.

24 MS. KRAJEWSKA: Okay. But I think
25 the -- well, I think they're -- my argument is

1 going to be that they are going -- they are to be
2 produced when a summons is received and that
3 there's no privilege that applies to the documents,
4 and I assume you're not -- you're not asserting any
5 form of privilege over the documents.

6 MS. KOHLMAN: No, we're not asserting
7 privilege, but we do take the position that the
8 direction to attend was not served in time.

9 MS. KRAJEWSKA: That's fine. I have
10 your position on that. That's why I'm going to go
11 through them on the record during the examination.

12 BY MS. KRAJEWSKA:

13 323 Q. Mr. Beaudoin, Question 4 was to
14 produce any other form of template document that
15 the RCMP used to disclose information to the
16 entities listed at paragraph 12 of your affidavit,
17 and I assume that your evidence is that the only --
18 your evidence in this -- in this cross-examination
19 was that it was only the document at page 7 that
20 was disclosed to those institutions, as well as a
21 similar document that would have been authored by
22 the OPP or the OPS?

23 A. Just give me a second to refer
24 back to... Yeah. So the 7 would be -- the page 7
25 would be similar for the OPP, OPS, and, of

1 course, 8 and 9 would have been their report. But,
2 yes, there's no other templates.

3 324 Q. And 8 or 9, would they have used a
4 different template than the RCMP did for the type
5 of information?

6 A. Yes. Well, again, not a template
7 because it wasn't used repeatedly. It was a
8 report.

9 325 Q. Okay. So I think I've already
10 asked for you to produce examples of those types of
11 reports.

12 Okay. Number 5, I asked for any
13 documents, or guidelines, or directions that the
14 RCMP used or issued to its members that describe
15 and/or explain what is meant by "individuals and
16 entities who were actively" -- sorry, we already
17 covered this in our examination. I'll skip to
18 Number 6. Any document, guideline, or direction
19 that the RCMP issued to its members, that the RCMP
20 did not disclose information pertaining to those
21 who made donations in support of the protests.

22 So I'd like to know, Mr. Beaudoin, did
23 the RCMP issue any guidance, direction, or any
24 other document to your investigators that they not
25 disclose to financial institutions information

1 about people who donated to protests -- protest?

2 A. No.

3 326 Q. No. So how did investigators know
4 not to provide that type of information to
5 financial institutions?

6 A. Again, the body that shared
7 information with financial institution was within
8 my office in headquarters, so it would have been --
9 unless somebody would have done it independently,
10 like, it would have gone through my office.

11 327 Q. So it was through -- anything that
12 went to financial institutions went through your
13 office?

14 A. Well, when I say -- not my office
15 specifically, but like I said, RCMP headquarters,
16 this is the way it works, so like we mentioned,
17 Kelley Hughes, so she would have been the point of
18 contact with the financial institution.

19 328 Q. So she would have reviewed any of
20 the information contained in a template at 8 or 9
21 and known that it should only relate to illegal
22 activities other than donations to the protest?

23 A. I don't think she reviewed them
24 all, but the investigators were provided licence
25 plate of people present. They were never provided

1 information -- no, I'm sorry. I'll take this back.
2 Investigators were provided a licence plate. They
3 would conduct their information gathering, and then
4 it was only shared with financial institutions.

5 329 Q. Okay. So --

6 A. But there's no document that
7 exists.

8 330 Q. Okay. So I -- I kind of have it
9 backwards. It's not that they were told not to do
10 certain things, it's more that the investigators
11 instead were simply directed to gather information
12 based on licence plates that were received, and
13 that -- their mandate was that narrow.

14 A. Yeah, they would receive
15 information, and then they would send it back to
16 Madam Hughes, who would share it with financial
17 institution. So this is where insurance providers
18 were not included in that distribution.

19 331 Q. Correct. And the decision not to
20 include insurance providers was one that was made
21 by the RCMP.

22 A. That's correct.

23 332 Q. And when they were -- and the
24 licence plates that the investigators were
25 receiving, were they receiving those licence plates

1 from the OPP, the OPS, or other members of the
2 RCMP?

3 A. The -- from the OPP.

4 333 Q. From the OPP. Okay. And no one
5 was providing information to the investigators
6 about donations that were made to the protest.

7 A. No. When I referred earlier to
8 say that we focussed -- like, the focus was on
9 licence plates in -- in the downtown area.

10 334 Q. Right.

11 A. So we never -- I know there was
12 publicly available lists online and -- about donors
13 and everything, but we never focussed on that.

14 335 Q. Okay. And with respect to this
15 decision not to focus on donors, was there -- did
16 the RCMP kind of discuss that issue internally, and
17 was there a memo produced that summarized it's
18 rationale or reasoning as to why it would not focus
19 on donors?

20 A. No.

21 336 Q. Was the -- was -- how was that
22 decision made not to focus on donors?

23 A. It was just made -- and I don't
24 remember the specific moment it was made, but it
25 was made by focussing on other people.

1 337 Q. So it was -- it was made by
2 focussing on the people who were present at the
3 protest?

4 A. Yeah, on licence plates of
5 vehicles present at the protest. So we never
6 considered donors specifically during the time the
7 law was enacted.

8 338 Q. Okay. And that was a decision
9 that the RCMP made early on, after the Emergency
10 Measures were enacted?

11 A. Yes. And, again, just to put --
12 put it in perspective, we never decided never to
13 pursue anything. As I said earlier, we may have
14 added in the future if the law would have stayed,
15 and if we would have seen a large donor that had an
16 effect on -- on the protest, for example, so it
17 wasn't a decision to never use or target the donor.
18 It's just that we prioritize, and we never -- we
19 didn't think -- as I said earlier, the small donors
20 are the people that would buy hats or shirts. You
21 know, they would have had no effect. If we would
22 have thought that a donor freezing -- not because
23 we don't freeze, but sharing information with the
24 financial institution on a donor would have had an
25 impact, you know, we could have done it.

1 339 Q. Right. And -- but to be fair,
2 you -- even though there were some -- it was
3 publicly known that there were some large donors to
4 the protests, the RCMP also did not focus their
5 efforts on those large donors either.

6 A. No. And that -- that
7 information -- some of the information was
8 available publicly also.

9 340 Q. Okay. And Item 9 from the
10 direction to attend has to do with paragraph 20 --
11 I think this was supposed to be 32. Sorry, that
12 was supposed to be 32. Sorry, that was supposed to
13 be 32 -- yeah, 32. That has to do with
14 paragraph 32 of your affidavit. Again, was it an
15 internal decision of -- I think you told me already
16 that it was an internal decision of the RCMP not to
17 share information with insurance providers;
18 correct?

19 A. Yeah. I think we just discussed
20 that.

21 341 Q. Yeah. And the -- is there any
22 memorandum --

23 A. No.

24 342 Q. -- that memorializes that
25 decision?

1 A. No.

2 343 Q. All right. Thank you. Those are
3 all my questions, then.

4 -- Whereupon the cross-examination concluded at
5 2:21 p.m.

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REPORTER'S CERTIFICATE

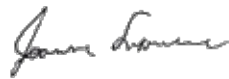
I, JOANNE A. LAWRENCE, Registered
Professional Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 27th day of June, 2022.



NEESONS, A VERITEXT COMPANY

PER: JOANNE LAWRENCE, RPR, CSR
COURT REPORTER

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Court File No. T-316-22

FEDERAL COURT

B E T W E E N:

CANADIAN CIVIL LIBERTIES ASSOCIATION

Moving Party / Applicant

- and -

ATTORNEY GENERAL OF CANADA

Responding Party / Respondent

Application for Judicial Review under Sections 18 and 18.1 of the
Federal Courts Act, R.S.C. 1985, c. F-7

AFFIDAVIT OF MARY ARULNESAN

I, **MARY ARULNESAN**, of the City of Toronto, affirm and give evidence as follows:

1. I am a law clerk with the law firm of Henein Hutchison LLP. I have personal knowledge of the evidence affirmed in this affidavit except where otherwise stated to be based on information or belief. Where the information is stated on the basis of information or belief, I identify the source of that information and verily believe it to be true.
2. Ewa Krajewska and Brandon Chung are counsel to the moving party / applicant, Canadian Civil Liberties Association (“CCLA”).
3. In this affidavit, I provide the following:

- a. evidence and information relating to the AGC's proposed expert evidence;
- b. evidence and information relating to the development of the parties' cross-examination protocol; and
- c. evidence and information relating to the scheduling of the cross-examination of Mr. Denis Beaudoin.

A. AGC's Proposed Expert Evidence

- 4. At a case management conference on February 22, 2022, the Attorney General of Canada ("AGC") indicated that it might file expert evidence in this proceeding. Brandon Chung has advised me of this, and I verily believe it to be true.
- 5. At a case management conference on March 11, 2022, the AGC indicated that it might need flexibility on the timelines for providing affidavit evidence to permit the filing of expert evidence. Brandon Chung has advised me of this, and I verily believe it to be true.
- 6. On April 4, 2022, the AGC filed three affidavits in this proceeding: the affidavit of Steven Shragge; the affidavit of Denis Beaudoin; and the affidavit of Rebecca Coleman.
- 7. At a case management conference in this proceeding on April 11, 2022, the AGC confirmed that its evidence in this proceeding was complete, subject to obtaining expert evidence. Brandon Chung has advised me of this, and I verily believe it to be true.
- 8. On April 12, 2022, Prothonotary Milczynski directed the AGC to file any expert evidence by April 29, and to circulate any possible information prior to that date. I attach as **Exhibit "A"** a copy of Prothonotary Milczynski's April 12 direction.
- 9. On April 12, 2022, the AGC wrote to this Court indicating that it could not deliver an expert report as directed. I attach as **Exhibit "B"** a copy of the AGC's April 12 letter.

10. On April 14, 2022, the CCLA wrote to this Court indicating that the AGC's position on the delivery of expert evidence risked delaying the hearing of the merits of the underlying judicial review application. The CCLA also proposed a timetable to mitigate the risk of delay. I attach as **Exhibit "C"** a copy of the CCLA's April 14 letter.
11. By way of direction on April 19, 2022, Prothonotary Milczynski revised her April 12 direction (in accordance with the proposal from the CCLA) to require the AGC to provide the name and area of expertise of its expert by April 21 and to serve its report by April 5. I attach as **Exhibit "D"** a copy of Prothonotary Milczynski's April 19 direction.
12. On April 19, 2022, the AGC wrote to this Court indicating that it was not prepared to comply with the Prothonotary's direction, on the basis that the expert's name would be covered by litigation privilege and because "end-of-term time constraints" were delaying the completion of the report. I attach as **Exhibit "E"** a copy of the AGC's April 19 letter.
13. By way of direction on May 4, 2022, following a case management conference, Prothonotary Milczynski granted the AGC an extension of time to deliver its expert report, until May 19, 2022. I attach as **Exhibit "F"** a copy of Prothonotary Milczynski's May 4 direction.
14. On May 20, 2022, the AGC wrote to the CCLA (among others) advising that it would not be filing an expert report. I attach as **Exhibit "G"** a copy of the AGC's May 20 email.

B. Development of the Cross-Examination Protocol

15. On May 3, 2022, the AGC sent to the CCLA (among others) a draft cross-examination protocol via email. I attach as **Exhibit "H"** a copy of the AGC's May 3 email.
16. Between May 3, 2022, and May 11, 2022, the AGC and CLA exchanged several drafts of the cross-examination protocol via email. I attach as **Exhibit "I"** a copy of an exchange that

book place between May 3 and May 8 between the Canadian Frontline Nurses and Kirsten Nagle (collectively, “CFN”), the AGC, and the CCLA regarding the draft protocol. I attach as **Exhibit “J”** a copy of a May 11 email from the AGC to the CCLA regarding the draft protocol.

17. On May 11 and 12, 2022, the AGC and CCLA exchanged emails regarding the scheduling of the cross-examination of Mr. Steven Shragge. The cross-examination was set for May 19, 2022. I attach as **Exhibit “K”** a copy of this email exchange.
18. On May 16, 2022, the AGC and the CCLA (among others) exchanged emails regarding the finalization of the cross-examination protocol and an agreement-in-principle between the AGC and the CCLA. I attach as **Exhibit “L”** a copy of this email exchange.
19. On May 19, 2022, the CCLA cross-examined Mr. Steven Shragge, one of the AGC’s affiants. Brandon Chung has advised me of this, and I verily believe it to be true.
20. On May 25, 2022, at a case management conference, the AGC confirmed to the Court through an agenda that there was an agreement-in-principle regarding the cross-examination protocol. I attach as **Exhibit “M”** a copy of an email from the CFN to the Court attaching the case management conference agenda.

C. Cross-Examination of Mr. Beaudoin

21. On May 25, 2022, the AGC and CCLA exchanged emails regarding the scheduling of the cross-examination of Mr. Beaudoin on July 1, 2022. I attach as **Exhibit “N”** a copy of this email exchange.

22. On May 25, 2022, the CFN emailed the CCLA indicating that they would not be available to cross-examine Mr. Beaudoin on June 1, 2022, and would prefer to do so on June 22, 2022. I attach as **Exhibit “O”** a copy of the CFN’s May 25 email.
23. On June 9, 2022, the AGC, CCLA, and the CFN exchanged emails regarding the scheduling of Mr. Beaudoin’s cross-examination. The AGC indicated that Mr. Beaudoin would be available for cross-examination prior to June 22, 2022. The CCLA and CFN indicated that they would be available to cross-examine Mr. Beaudoin on June 20, 2022. I attach as **Exhibit “P”** a copy of this email exchange.
24. On June 13, 2022, the AGC and CCLA (again among others) again exchanged emails regarding the scheduling of Mr. Beaudoin’s cross-examination. The AGC requested confirmation that Mr. Beaudoin would be cross-examined on June 20, 2022. The CCLA confirmed that it intended to cross-examine Mr. Beaudoin on June 20, 2022. I attach as **Exhibit “Q”** a copy of this exchange.
25. On June 14, 2022, the AGC indicated that Mr. Beaudoin was no longer available on June 20, 2022, and needed to reschedule. I attach as **Exhibit “R”** a copy of the AGC’s June 14 email.
26. On June 14, 2022, the CCLA indicated that it could cross-examine Mr. Beaudoin on June 21, 2022. I attach as **Exhibit “S”** a copy of the AGC’s June 14 email.
27. On June 15, 2022, the CCLA’s cross-examination of Mr. Shragge continued. The CFN also cross-examined Mr. Shragge on that day. Brandon Chung has advised me of this, and I verily believe it to be true.
28. On June 16, 2022, the AGC followed up asking for confirmation of all the parties’ availability to cross-examine Mr. Beaudoin on June 21, 2022 (other than the CCLA, which had already

confirmed its availability for June 21, 2022). I attach as **Exhibit “T”** a copy of the AGC’s June 16 email.

29. On June 17, 2022, the CCLA served a direction to attend for Mr. Beaudoin via email. I attach as **Exhibit “U”** a copy of this service email.
30. I make this affidavit in support of the CCLA’s motion regarding the Attorney General of Canada’s refusal to produce the documents listed in Mr. Beaudoin’s direction to attend and its refusal to answer certain questions during the cross-examination of Mr. Beaudoin, and for no other purpose.

SWORN BEFORE ME in the City of
Toronto, in the Province of Ontario, this 29
day of June, 2022.

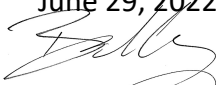


Brandon Chung
LSO#83164E



Mary Arulnesan

This is Exhibit "A" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>

Sent: Tuesday, April 12, 2022 8:35 AM

To: 'Provart, John' <John.Provart@justice.gc.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'David Cowling' <dcowling@johnstonecowling.com>; 'Simon Sigler' <ssigler@johnstonecowling.com>; 'Aditi Gupta' <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Nelson, Shaun <shaun.nelson@cas-satj.gc.ca>

Cc: 'Coleman, Rebecca' <Rebecca.Coleman@justice.gc.ca>; 'Anderson, R. Jeff' <Jeff.Anderson@justice.gc.ca>; 'Widdifield, Shain' <Shain.Widdifield@justice.gc.ca>; 'Kohlman, Kathleen' <Kathleen.Kohlman@JUSTICE.GC.CA>; Ewa Krajewska <ekrajewska@hhllp.ca>; Matthew Gourlay <mgourlay@hhllp.ca>; 'bsvandenbergh@fosterllp.ca' <bsvandenbergh@fosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>

Subject: T-306-22, T-316-22, T-347-22 and T-382-22 Direction 12-APR-2022

Good Morning Counsel,

Please find below a copy of an oral direction from Prothonotary Milczynski in regards to the above noted matters. I would request each party reply and confirm receipt:

Further to the case management teleconference conducted on April 11, 2022:

(i) T-306-22: Counsel for the Respondent AGC confirmed that their motion record responding to the Applicants' motion to amend their application will be served today. Any Reply shall be served and filed within 5 days of service. (motion in writing)

(ii) Attorney General of Alberta motion to intervene in T-316-22 and T-347-22: Alberta AG has circulated their notice of motion and will serve and file their complete motion record by April 14, 2022. Attorney General of Canada and

Applicants in the two files shall file any responding motion records by April 25 and any Reply is due April 29, 2022. (motion in writing)

(iii) T-347-22: Counsel for the Respondent AGC confirmed that their motion record responding to the Applicant's motion to amend their application will be served by Wednesday April 13th. Any Reply shall be served and filed within 5 days thereafter. (motion in writing)

(iv) T-347-22: Motion relating to validity of CEA s.39 certificate and counsel's eyes only disclosure - Applicant has circulated a notice of motion and will serve and file a complete motion record with amended notice of motion by April 19, 2022. Responding AGC motion record shall be served and filed by May 19, 2022.

The Court notes that both parties are requesting an oral hearing of the motion and that counsel for the Applicant also suggested that this and their motion to amend the application be heard together. The Court will advise of available dates.

(v) All files: With respect to next steps and current timetable, counsel for the AGC confirmed that it was their intention to serve an expert affidavit. They are directed to do so by April 29, 2022 and circulate any possible information/content/unsworn draft prior to that date.

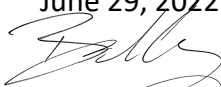
This has an impact on the timelines. The evidence stage of the applications should nonetheless be completed and closed prior to cross examinations. So as to facilitate the scheduling of cross examinations, ensure a coordinated and coherent manner of proceeding, a case management teleconference shall be conducted on May 4, 2022 at 2pm (ET). The purpose of the call is to confirm whether any of the Applicants seek to respond to the AGC's expert report, and to confirm the schedule and protocol amongst counsel for the cross examinations. Counsel will discuss and submit their proposal ahead of the call.

(vi) All files: The Respondent AGC advised that their motions to strike applications on the grounds of lack of standing and mootness would be served and filed this week. The current timetable had this step scheduled for May 20, 2022, with responding motion records to be filed by June 20 and per the applications judge, the motions heard at the same time as the hearing of the applications. Any change to accelerate the time for the filing of responding records may be discussed on the May 4th cmc, but at present, the direction regarding responding records and the hearing of the motions remains as is.

(vii) All files: The Court notes that the applications have generally followed the timelines for applications under the Federal Courts Rules, and with the exception of a hearing date being scheduled prior to the filing of application records and requisition for hearing. The goal is to have the applications heard in an efficient, timely and coordinated manner so as to ensure a just and fair hearing on a complete record that will assist the hearing judge. Accordingly, in light of the foregoing matters discussed and outstanding interlocutory motions, the Court invites the parties to consult with one another and file submissions/proposals regarding the time by which cross examinations can reasonably be completed, application records filed and the applications heard - keeping in mind that a July hearing ought to still be possible."

Regards,
Andrew Murray
Registry Officer

This is Exhibit "B" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits



**Department of Justice
Canada**

**Ministère de la Justice
Canada**

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National Litigation Sector
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Région de l'Ontario
Secteur national du contentieux
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Via Email

Our File Numbers: LEX-500081599,
LEX-500081877, LEX-500082096, LEX-
500082292

April 12, 2022

Federal Court
180 Queen Street West
Toronto, Ontario
M5V 1Z4

Dear Registry Officer,

**Re: CFN & Kristen Nagle v AGC, CCLA v AGC, CCF v AGC, Jeremiah Jost et al v Governor
in Council et al (T-306-22, T-316-22, T-347-22, T-382-22)**

Further to the request of Prothonotary Milczynski for a summary of submissions made and any further matters which the parties wished to convey in relation to case management conference held on April 11, 2022 in the above noted matters, the Attorney General of Canada (AGC) asks that this letter be placed before the case management judges in these matters.

Motions to amend and cross-motion

As indicated at the case management conference (CMC) on April 11, the AGC's responding record to CFN's motion to amend has now been filed together with a integrally connected cross-motion to strike the application and the other applications on the basis of mootness and standing. As indicated in the AGC's materials, one of the reasons the motions to amend should be denied is that there is no point in amending moot pleadings or pleadings where the applicants lack standing; amendments cannot insulate against a motion to strike, as the Court held in *Rebel News Network v Canada (Leaders' Debate Commission)*, [2020 FC 1181](#) at paras [48-49](#). The motions should thus be determined together, despite the earlier discussion of dealing with the motion to strike at the hearing of the judicial review.

In order to facilitate these matters moving ahead as expeditiously as possible, we have filed the motions to strike as motions in writing – which the Court of Appeal has approved of in cases such as *Jones v Canada (Minister of Citizenship & Immigration)*, [2006 FCA 279](#) at paras [10-14](#).

Under [Rule 369\(2\)](#), the applicants would normally have ten days to respond to these motions (i.e., Thursday, April 21), but we are amenable to a [Rule 7](#) extension of five days (Tuesday, April 26). We have no objection to CFN being permitted to file a reply on its motion to amend at the same time as its response to the cross-motions to strike. The AGC would then have four days to reply on its motions to strike (i.e., by Wednesday, April 27 or Monday, May 2, as the time permitted for reply under [Rule 369\(3\)](#) is less than seven days).

We will be delivering our responding record for CCF's motion to amend on April 13 at the latest. We propose that the applicant's reply, if any, be delivered alongside its response to the motion to strike, by April 21 or April 26. Any reply from the AGC on the cross-motion to strike would be due on April 27 or

Canada 

May 2, as with CFN. This will result in a quick and uniform timeline for all motions and cross motions, and efficient use of time.

If the applicants wish more time for their responding materials in light of the Easter long weekend, we are also amenable to further reasonable extension.

CCF's Challenge to the CTR

CCF has agreed to deliver the full motion record for its motion under [Rule 318](#) challenging the CTR and the claims of cabinet confidence under [s. 39](#) of the [Canada Evidence Act](#) by April 19. The AGC will require at least 30 days to respond to this motion, which counsel for CCF has stated will be both novel and momentous. Should the CCF application be struck for either mootness or standing, responding materials will not be necessary and the delays associated with this motion will be avoided.

AG Alberta's motion to Intervene

The Attorney General for Alberta has committed to filing its full motion record on intervention by April 14. The Court has indicated that the AGC's respond materials would be due ten days later under the normal rules for a motion in writing (i.e., by April 25 as April 24 is a Sunday). The AGC is prepared to do so, but notes there is little point in responding to the intervention motion until the motions to amend and to strike are determined, as there may be nothing left for the AG Alberta to intervene on. Further, it is possible that following the decisions on the motions to amend and strike that the AG Alberta may wish to reconsider or amend its motion for leave to intervene. Accordingly, the AGC proposes that the AG Alberta advise within two days of the determination on the motion to amend/strike if it is maintaining its motion. If the motion stands, then the AGC will deliver any responding materials within ten days and advise as soon as possible if it does not oppose.

AGC Expert Report

The AGC is working to deliver an expert report as early as possible. At the Court's request, we have again consulted with our prospective expert and mid-May is the earliest possible date for the completion of a report. The end of the academic year is unfortunately a very busy time for many potential experts, which has been one of the challenges in this case.

We acknowledge the Court and the parties' to desire to move this matter forward, but note that our requirement of an expert is not new. Indeed, this is not the type of case where the decision-maker had months or even weeks to determine what expert input or consultation may be required. The unique qualities an emergency decision require the AGC to work more from ground zero than would be the case in most administrative law reviews. We note that the request for extra two weeks to obtain an expert report to assist the Court with *Charter*-related issues and the context giving rise to the emergency is not unreasonable, as compared to the alternative that would put the AGC in a position of being unable to proffer evidence crucial to Canada's ability to fully make its case.

Cross-Examinations: Scheduling and Protocol

The AGC's position is that no cross-examinations should be scheduled until the motions to amend and strike are determined, and, as counsel for the CCLA noted, all of the evidence is in on the applications (including expert evidence and any further evidence). We are prepared to discuss a protocol for potential cross-examinations with counsel in the meantime and work together on a cross-examination schedule, which realistically would begin in late May. There is no prejudice to any party in proceeding in this

manner. As Prothonotary Milczynski noted at the CMC, the urgency initially motivating the expeditiousness of these proceedings arose prior to the revocation of the Emergency Measures. At this point, it is important to proceed in a fair and efficient manner, and to avoid unnecessary or duplicative steps.

Yours truly,

Ayesha Laldin

John Provart (he / il)

Senior Counsel

National Litigation Sector

Cc. Counsel on T-306-22, T-316-22, T-347-22, T-382-22, AG Alberta

Annex A: AGC Chart of Proposed Timelines

April 13	Delivery of the AGC's responding record to the CCF's motion in T-347-22 to amend their Notice of Application
April 14	AG Alberta to deliver its full Motion Record to intervene in T-347-22 and T-316-22
April 19	Delivery of CCF's full motion record in T-347-22 challenging the Certified Tribunal Record
April 21 / 26	Delivery of all Applicants' responding records on the AGC's cross motion to strike the applications and any reply submissions on the motions to amend the application by CFN (T-306-22) and CCF (T-347-22).
April 27 / May 2	Any reply by the AGC to the motions / cross-motions to strike the applications.
May 19	Delivery of the AGC's responding record on CCF's challenge to the CTR in T-347-22, (if the underlying application has not been struck).

This is Exhibit "C" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits



HENEIN HUTCHISON LLP
BARRISTERS

VIA EMAIL

April 14, 2022

Federal Court
180 Queen Street West
Toronto, Ontario
M5V 1Z4

Dear Registry Officer:

RE: Canadian Civil Liberties Associations v Attorney General of Canada
Court File No. T-316-22

We write in respect of the above-noted matter, following the Court's request that the parties at the April 11, 2022 case management conference confirm their respective positions in writing. We also write to respond to the letter that the Attorney General of Canada sent to the Court on April 12, 2022 setting out its position.

CCLA's Position at the April 11, 2022 Case Management Conference

The CCLA took two key positions at the case management conference:

- (1) this matter should be heard on the July dates that the Court has already set; and
- (2) there is some concern about the impact of the Attorney General's proposed expert evidence on the timetable for cross-examinations. Even if that expert evidence is limited to s. 1 issues, as the Attorney General has suggested it will be, we reiterate that it is highly unusual for the government to file expert evidence on a judicial review application. If the Attorney General chooses to file such evidence, responding expert evidence may also become necessary; whether it will be necessary is difficult to say without knowing anything about the nature of the evidence. A solution to this issue is proposed below.

Response to the Attorney General's Letter of April 12, 2022

As the Attorney General's letter of revisits issues that have already been settled through case management and raises a number of fresh concerns, it requires response.

Attorney General's Request that the Motion to Be Strike Be Heard Before the Merits

It has become evident that the Attorney General wishes to prevent the applications from being heard on their merits and that it has not accepted the Court's direction that the motion to strike be heard at the return date of the applications. The Attorney General continues to push for its motion on mootness and standing to be heard as a preliminary matter, contrary to the initial decision of Justice Mosley and Prothonotary Milczynski's more recent directions. Indeed, the Prothonotary's direction of April 12, 2022, both in the case management conference and in writing today, was clear:

The Respondent AGC advised that their motions to strike applications on the grounds of lack of standing and mootness would be served and filed this week. The current timetable had this step scheduled for May 20, 2022, with responding motion records to be filed by June 20 and per the applications judge, the motions heard at the same time as the hearing of the applications. Any change to accelerate the time for the filing of responding records may be discussed on the May 4th CMC, but at present, the direction regarding responding records and the hearing of the motions remains as is.

Notwithstanding this clear direction, the Attorney General has requested that that responses to its motion to strike be due under the timelines set by the *Rules* and that its motion be heard together with the CFN's motion to amend. It also suggests that its motion should be heard in writing.

This Court ought not to accede to the Attorney General's requests. The current direction that the motion to strike to be heard at the return date for the applications is consistent with this Court's jurisprudence that motions to strike that are heard separately are exceptional. The parties have already expended significant resources to file evidence in support of the applications.

The Attorney General is attempting to disrupt the court timetable by tying its response to the CFN's motion to amend together with its motion to strike. While it may be that in some cases motions to amend and motions to strike should be heard together, that will not always be the case. Here, the Court is balancing not just the dispute between the CFN and the Attorney General, but the three others as well, on a timetable that has already been set by the Court and committed to by the parties. The balance of expediency and fairness favours adhering to this timetable.

Effect of the Attorney General's Motion to Strike on the Remaining Timetable

The Attorney General's attempt to prevent the hearing of the merits of the application is further evidenced by its request that the Attorney General of Alberta's motion to intervene, as well as cross-examinations, be held in abeyance pending the motion to strike.

The Attorney General also states that it will not be able to submit an expert report by the deadline the Court has set — a concerning position given the history of this case. The Attorney General

advised during both the February 22 and March 11 case management conferences that it might obtain expert evidence. The Attorney General has also known since the March 11 conference that its evidence would be due in early April. The foregoing notwithstanding, the Attorney General's comments in the most recent case management conference and its letter suggest that it will only retain an expert later this week (at the earliest). In these circumstances, the Attorney General should not be permitted to leverage its failure to obtain an expert report to jeopardize the timetable of these proceedings.

The Attorney General does not indicate whether, in light of these delays, the hearing can proceed as scheduled. We assume that the Attorney General is going to push for delay of the hearing. In order to mitigate the risk of losing the hearing days or delaying the matter further, we propose the following:

- (a) that the Attorney General provide the name, the expertise, and the questions that the expert is being asked to opine upon by April 18, 2022. This will at least enable the CCLA to preview of the nature of the evidence that the expert will provide and be in a position to canvass whether it will need to retain its own expert;
- (b) that the Attorney General's expert report be due on May 6, 2022. This would provide an extra week beyond what the Court has currently set;
- (c) that the cross-examinations be conducted after all of the evidence is served and filed; in the meantime, the parties will work together to develop a timetable and protocol for cross-examinations;
- (d) that the current case conference scheduled for May 4, 2022, be moved to May 9, 2022, for the parties to provide their views on responding expert evidence and to confirm the timetable for cross-examinations.

This proposal would balance the Attorney General's concerns with obtaining its expert evidence and the remaining parties' desire to see the case proceed as expeditiously as reasonably possible.

The CCLA's Position on the Motion by the Attorney General of Alberta to Intervene

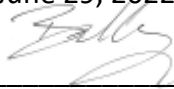
The CCLA supports the intervention of the Attorney General of Alberta.

Yours very truly,
Henein Hutchison LLP



Ewa Krajewska and
Matthew Gourlay

This is Exhibit "D" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>
Sent: Tuesday, April 19, 2022 8:55 AM
To: 'Provart, John'; 'Alexander Boissonneau-Lehner'; 'David Cowling'; 'Simon Sigler'; 'Aditi Gupta'; 'Janani Shanmuganathan'; 'Sujit Choudhry'
Cc: 'Coleman, Rebecca'; 'Anderson, R. Jeff'; 'Widdifield, Shain'; 'Kohlman, Kathleen'; Ewa Krajewska; Matthew Gourlay; 'bsvandenbergh@fosterllp.ca'; 'bmiller@fosterllp.ca'; 'blair@ectorlaw.com'; 'Mandy England'
Subject: T-306-22, T-316-22, T-347-22 and T-382-22 Direction 19-APR-2022

Good Morning Counsel,

Please find below a copy of an oral direction from Prothonotary Milczynski in regards to the above noted matter. I would kindly request each party reply and confirm receipt.

"Having reviewed the correspondence/materials filed to date following the April 11, 2022 cmc:

(i) T-306-22 - confirming that the Applicant's motion to amend their application will proceed in writing. The Respondent's motion/cross motion to strike (on grounds of mootness and standing) will NOT be determined in writing and will NOT be determined prior to the date set for the hearing of the application.

(ii) AG of Alberta motion to intervene - no change to direction issued on April 11, 2022. Motion, in writing, will be determined following Reply or the time for filing any Reply has expired.

(iii) T-347-22 - Parties will confirm their availability for a one day hearing (by Zoom) on one of: May 26, 27, 30 or 31, 2022. Hearing is for the Applicants' motion to amend their application and motion relating to the CEA s.39 certificate and counsel's eyes only disclosure.

To confirm: any motion or cross motion to strike the application on grounds of mootness or standing will be determined in the same manner and time as in T-306-22.

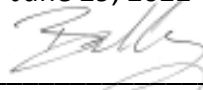
(iv) All files: Having considered the CCLA's proposal outlined in its April 14, 2022 letter:

- the Respondent shall provide the name and area of expertise of its expert by April 21, 2022;
- the Respondent's expert report shall be served and filed by May 5, 2022;
- parties shall in the meantime consult with one another and submit a jointly proposed protocol and schedule to complete the cross examinations (with a view to setting dates for the filing of application records so as to preserve hearing dates in July); and
- a case management conference shall be conducted (by Zoom) on May 9, 2022 at 11:00am (ET).

The Court remains available on May 4, 2022 if any party wishes to also proceed with a cmc on that date. Confirmation to be submitted by May 2nd, otherwise the date is cancelled."

Regards,
 Andrew Murray
 Registry Officer

This is Exhibit "E" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits



**Department of Justice
Canada**

**Ministère de la Justice
Canada**

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West Suite #400
Toronto, Ontario M5H 1T1

Région de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest, pièce 400
Toronto (Ontario) M5H 1T1

Telephone/Téléphone: (647) 256-0784
Fax /Télécopieur: (416) 954-8982
Email/Courriel: John.Provart@justice.gc.ca

Via Email

Our File Numbers: LEX-500081599,
LEX-500081877, LEX-500082096,
LEX-500082292

April 19, 2022

Federal Court
180 Queen Street West
Toronto, Ontario
M5V 1Z4

Dear Registry Officer,

Re: CFN & Kristen Nagle v AGC, CCLA v AGC, CCF v AGC, Jeremiah Jost et al v Governor in Council et al (T-306-22, T-316-22, T-347-22, T-382-22)

We write with respect to the Court's direction of this morning (Tuesday, April 19, 2022) and CCLA's correspondence of Thursday, April 14, 2022, which we were unable to respond to before the Court issued its direction.

The respondent Attorney General of Canada is not prepared to provide the name and area of expertise of its expert by April 21, 2022. Consultations between counsel and expert witnesses attract the protection of litigation privilege, which the Supreme Court noted in *Blank* aims "to ensure the efficacy of the adversarial process."¹ To achieve this aim, "parties to litigation [...] must be left to prepare their contending positions in private, without adversarial interference and without fear of premature disclosure."² As the Ontario Court of Appeal held in the leading case of *Moore v Getahun*, "these concerns are important in the context of the preparation of expert witnesses and their reports."³ The Ontario Court of Appeal further stated:

In *Blank*, the court noted, at para. 34, that litigation privilege creates "a 'zone of privacy' in relation to pending or apprehended litigation". The careful and thorough preparation of a case for trial requires an umbrella of protection that allows counsel to work with third parties such as experts while they make notes, test hypotheses and write and edit draft reports.⁴

¹ *Blank v Canada*, [2006 SCC 39](#) at para [27](#).

² *Ibid*.

³ *Moore v Getahun*, [2015 ONCA 55](#), 124 OR(3d) 321 at para [68](#), leave to appeal to SCC refused [2015] SCCA No 110.

⁴ *Ibid* at para [69](#).

The CCLA’s proposal would “ride roughshod over a fundamental principle of civil litigation,” as the BC Supreme Court held in overturning a master’s order compelling disclosure of an expert’s name and areas of expertise, based on the order’s inconsistency with litigation privilege.⁵ Compelling such production improperly interferes with the respondent’s ability to make strategic decisions about how to prepare its case and what evidence to lead.

Moreover, the CCLA’s proposed deadline of May 5 will likely not be achievable, given end-of-term time constraints for the respondent’s proposed expert. The earliest the expert has advised is feasible is mid-May. Some accommodation is reasonable in the circumstances considering that end-of-term constraints operate independent of the present litigation. The respondent is prepared to make the expert available for cross-examination on any report that is tendered in a timely manner, which should be achievable within the existing timeframes.

Although the CCLA may question the need for such evidence, it is certainly not “highly unusual” in *Charter* applications and it is not their case to respond to in any event. Moreover, despite CCLA’s suggestion there has been ample time to obtain expert evidence, the timelines for doing so have been highly circumscribed compared to almost any other major application. It is important to recall that the decision under review in this case was made only two months ago. The March 11 CMC cited by CCLA was five weeks ago. The respondent is operating under a truncated timeframe for obtaining and filing expert evidence by any measure.

Finally, it is inaccurate for the CCLA to suggest that the respondent is “pushing for delay” when required to respond to three motions brought by two applicants and an intervener. The timetable that was adopted early in this matter did not take these motions into account.

The respondent is keen to proceed with this litigation and to move it forward as quickly as reasonably possible, but is concerned about the potential for unfairness, prejudice and inefficiency inherent in this schedule, which is still being driven by deadlines planned before more recent developments in the file.

Yours truly,

Provart,
John

Digitally signed by Provart, John
DN: cn=CCLA, o=GC, ou=Jus-Jus, cn=+
Provart, John
Reason: I am approving this document with
my legally binding signature
Location: Toronto, Ontario
Date: 2022.04.19 22:08:17-04'00'
Foxit PhantomPDF Version: 10.1.1

John Provart (he / il)
Senior Counsel
National Litigation Sector

Cc. Counsel on T-306-22, T-316-22, T-347-22, T-382-22, AG Alberta

⁵ *Galvon v Hopkins*, [2011 BCSC 1835](#) at paras [10-11](#), [18](#), [20-24](#).

This is Exhibit "F" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>
Sent: Wednesday, May 4, 2022 3:13 PM
To: 'Brendan Miller'; Mary Arulnesan; Schutz, Jake
Cc: Ewa Krajewska; Matthew Gourlay; Brandon Chung; John.Provart@justice.gc.ca; Anderson, R. Jeff; Kohlman, Kathleen; Coleman, Rebecca; Widdifield, Shain; Ayesha.Laldin@justice.gc.ca; Archibald-Graham, Karlene; David Cowling; Simon Sigler; Aditi Gupta; 'Janani Shanmuganathan'; 'Sujit Choudhry'; Bath-Sheba van den Berg; 'blair@ectorlaw.com'; 'Mandy England'; Alexander Boissonneau-Lehner
Subject: T-306-22, T-316-22, T-347-22, T-382-22 Direction 04-MAY-2022

Good Afternoon Counsel,

Please find below a copy of an oral direction from Prothonotary Milczynski in regards to the above noted files. I would kindly request each party reply and confirm receipt.

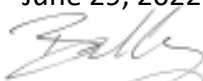
"Further to the case management teleconference conducted this day, and upon reviewing the correspondence from counsel for the Respondent dated April 28, 2022:

1. The Respondent is granted an extension to May 19, 2022 to deliver their expert report.
2. As agreed to by the parties, the Respondent will provide the name and proposed area of expertise (including the questions on which the expert is asked to provide an opinion) to the Applicants on a confidential party-to-party basis as of the date this direction is issued. The parties have confirmed that doing so will not constitute a broader waiver of litigation privilege or limit the expert's ultimate area of expertise or the scope of the final report, as the expert conducts their research and drafts their report, and the information provided will not be admissible unless and until a report is filed. In particular, should the Respondent decide not to file an expert report, the Applicants will not seek to retain the expert or be entitled to any working papers or drafts or evidence with respect to the expert's opinion.
3. The Respondent will not oppose the filing of responding expert evidence should the Applicants or any of them believe this to be necessary, and the parties shall endeavor to work out a schedule for this. After receiving the information from the Attorney General of Canada about the expert as outlined above, if any Applicant decides to proceed to cross-examine the Respondent's fact affiants before May 19, 2022, this will not prevent the Applicant from filing a responding expert report or to re-open cross examination of the fact affiants (either in person or in writing) on issues that arise from the expert evidence.

In addition, as discussed on the May 4, 2022 case management teleconference, the dates for the filing of application records are suspended and will be further discussed on the next cmc (May 9 at 11am), together with new dates for the hearing of the application. It is also acknowledged that the moving materials for the Respondent's motions to strike the applications on the grounds of mootness and standing have been filed – the date for responding records remains June 20, 2022. With respect to the motions in T-347-22 (to amend the application and regarding the CTR), the hearing of the motions is confirmed: May 27, 2022 commencing at 9:30am by Zoom – although the AGC's responding motion is currently due on May 25, 2022 (following the extension of time for the Applicant's record), counsel for the Respondent AGC shall advise whether a May 20, 2022 filing date can be met."

Regards,
 Andrew Murray
 Registry Officer

This is Exhibit "G" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Provart, John <John.Provart@justice.gc.ca>

Sent: Friday, May 20, 2022 2:05 PM

To: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Simon Sigler <ssigler@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; Ewa Krajewska <ekrajewska@hhlp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Matthew Gourlay <mgourlay@hhlp.ca>; 'bsvandenbergh@fosterllp.ca' <bsvandenbergh@fosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Cc: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Merrill, Erin <erin.merrill@justice.gc.ca>

Subject: Expert Report - T-306-22, T-316-22, T-347-22 and T-382-22

Good afternoon Mr Murray, Counsel,

We would like to advise the Court and counsel that the Attorney General of Canada will not, in the end, be filing an expert report in these files.

Yours truly,

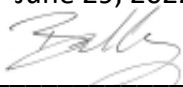
John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)

Department of Justice Canada | Ministère de la Justice Canada

(647) 256-0784

This is Exhibit "H" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Provart, John <John.Provart@justice.gc.ca>

Sent: Tuesday, May 3, 2022 6:49 PM

To: David Cowling <dcowling@johnstonecowling.com>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Simon Sigler <ssigler@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; Ewa Krajewska <ekrajewska@hhllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Matthew Gourlay <mgourlay@hhllp.ca>; 'bsvandenbergfosterllp.ca' <bsvandenbergfosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>

Cc: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>

Subject: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Dear Counsel,

In advance of tomorrow's CMC, we wanted to provide you with a draft protocol for cross-examinations that we have been working on – consistent with the Court's direction of April 19. This is based on protocols that have been used in other cases involving multiple applicants and affiant cross-examinations, to foster the fair and efficient conduct of the cross-exams. This is a draft and is not set in stone, so we will look forward to receiving your input and further refining this document.

In terms of cross-examinations, we intend to cross-examine Ms. Nagle as well as Messrs Jost, Cornell, Gircys and Ristau on their affidavits. We are also prepared to make our affiants available in a timely manner. Could counsel on each application please confirm which of our affiants you intend to cross-examine?

That will help inform our discussion of next steps, although the motions to amend the notices of application remain outstanding in CFN/Nagle and CCF, and CCF's motion in relation to the record will not be heard until May 27; issues related to our proposed expert report also of course remain outstanding.

Thank you,

John

John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)
Department of Justice Canada | Ministère de la Justice Canada
(647) 256-0784

This is Exhibit "I" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Ewa Krajewska
Sent: Sunday, May 8, 2022 10:22 PM
To: Anderson, R. Jeff; 'Alexander Boissonneau-Lehner'; Provart, John; David Cowling; Aditi Gupta; 'Janani Shanmuganathan'; 'Sujit Choudhry'; Matthew Gourlay; 'bsvandenberga@fosterllp.ca'; 'bmiller@fosterllp.ca'; 'blair@ectorlaw.com'; 'Mandy England'
Cc: Kohlman, Kathleen; Coleman, Rebecca; Widdifield, Shain; Archibald-Graham, Karlene; Brandon Chung
Subject: RE: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations
Attachments: Protocol for Virtual Cross-Examinations - EA Litigation - May 8 2022 (CCLA Comments on AGC Reply) (002).docx

Dear Jeff,

Thank you for providing us with your feedback our comments to the protocol.

I attach an updated draft. The changes are as follows:

- We have accepted the changes and deleted the comments where we have resolved the issues;
- We have added language in the preamble and in the body that deals with what happens if we proceed to examine witnesses before the Rule 318 motion is heard and ruled upon;
- There are two issues to be resolved at the case conference tomorrow:
 - o The Prothonotary's presence at the examinations;
 - o The Production of documents to the witnesses before the examination.

We are available to cross-examine Mr. Spragge on May 19th or May 20th. Please advise if your team and Mr. Spragge are available on either date. Once a date is agreed upon, we will serve a notice of examination.

Thank you,

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>

Sent: Saturday, May 7, 2022 4:32 PM

To: Ewa Krajewska <ekrajewska@hhllp.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Matthew Gourlay <mgourlay@hhllp.ca>; 'bsvandenberga@fosterllp.ca' <bsvandenberga@fosterllp.ca>;

'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>

Cc: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>

Subject: RE: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Hello Ewa et al.

As promised, I attach the AGC's response to the CCLA's comments regarding the AGC's original proposed Cross-Examination Protocol. I have attached a new Protocol document with our responses/suggestions for your consideration.

I think that in light of the fact that the CCLA and CCF will share each cross of the AGC's witness together with the fact that the *Jost* applicants have chosen to conduct their cross-examinations in writing that an agreement on the Protocol is well within reach. The only sticking point, and we remain steadfast on this point, is that we will not agree to have the Prothonotary sit in on any of the cross-examinations.

Thanks for your patience in this matter.

We will look forward to working with you and the other parties to reach a mutually acceptable agreement on the Protocol.

Have a good weekend

Jeff

R. Jeff Anderson

General Counsel, Civil Litigation Section Department of Justice/National Litigation Sector/Government of Canada
532-50 O'Connor St. Ottawa, Ontario. K1A 0H8 R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / cell: 613 296-0739/Fax: 613 954-1920

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From: Ewa Krajewska <ekrajewska@hhllp.ca>
Sent: May 6, 2022 1:55 PM
To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gsllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Matthew Gourlay <mgourlay@hhllp.ca>; 'bsvandenbergh@fosterllp.ca' <bsvandenbergh@fosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>
Cc: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>
Subject: RE: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Jeff,

I have not received any feedback from AG Canada on our proposed changes to the draft protocol. I think the Court would expect us to at least have a discussion about the proposed changes. Or is the AG is going to oppose all of them and we are going to have the Prothonotary make a decision on each point on Monday. In any event, I would appreciate hearing from your team on this so that we can prepare accordingly. If you wish to speak, I am available at 3pm this afternoon. Or please suggest another time.

Regards,

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Sent: Friday, May 6, 2022 1:43 PM
To: 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gsllp.ca>; Ewa Krajewska <ekrajewska@hhllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Matthew Gourlay <mgourlay@hhllp.ca>; 'bsvandenbergh@fosterllp.ca' <bsvandenbergh@fosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>
Cc: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>
Subject: RE: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Thank you for getting back to us Alex,

We take note of your position regarding the Protocol. We will look forward to dealing with this matter further on Monday.

Have a good weekend.

Jeff

R. Jeff Anderson

General Counsel, Civil Litigation Section Department of Justice/National Litigation Sector/Government of Canada
532-50 O'Connor St. Ottawa, Ontario. K1A 0H8 R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / cell: 613 296-0739/Fax: 613 954-1920

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From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Sent: May 6, 2022 1:40 PM

To: Provart, John <John.Provart@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; 'mgourlay@hhllp.ca' <mgourlay@hhllp.ca>; 'bsvandenbergh@fosterllp.ca' <bsvandenbergh@fosterllp.ca>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>

Cc: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>

Subject: Re: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Dear Counsel,

We write to provide the T-306-22 applicants' position with respect to the cross-examination protocol ahead of Monday's CMC.

At this time, we are reserving our right to cross-examine all of the Attorney General of Canada's affiants. We will be in a better position to determine which affiants we may or may not wish to cross-examine once we have had the

opportunity to review the totality of the Attorney General of Canada's Rule 307 evidence, including the expert evidence that it may deliver by May 19, 2022.

The draft of the protocol circulated by the Attorney General does not provide for Prothonotary Milczynski sitting in on the cross-examinations. Prothonotary Milczynski has indicated that she is prepared to make herself available for this purpose. We agree with the CCLA's comments in relation to paragraph 9 of the draft protocol: having the Prothonotary rule on any issues that may arise in real time will help the flow of the cross-examinations and would be far more efficient and cost-effective than having to deal with such issues before the Court at a later date.

Have a good weekend.

Regards,
Alex

Alexander Boissonneau-Lehner
Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

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From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Date: Wednesday, May 4, 2022 at 12:41 PM

To: "Provart, John" <John.Provart@justice.gc.ca>, David Cowling <dcowling@johnstonecowling.com>, Aditi Gupta <agupta@johnstonecowling.com>, 'Janani Shanmuganathan' <janani@gsllp.ca>, 'Ewa Krajewska' <ekrajewska@hhllp.ca>, 'Sujit Choudhry' <suj@choudhry.law>, "'mgourlay@hhllp.ca'" <mgourlay@hhllp.ca>, "'bsvandenberga@fosterllp.ca'" <bsvandenberga@fosterllp.ca>, "'bmiller@fosterllp.ca'" <bmiller@fosterllp.ca>, "'blair@ectorlaw.com'" <blair@ectorlaw.com>, 'Mandy England' <Mandy.England@gov.ab.ca>

Cc: "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, "Coleman, Rebecca" <Rebecca.Coleman@justice.gc.ca>, "Widdifield, Shain" <Shain.Widdifield@justice.gc.ca>, "Archibald-Graham, Karlene" <Karlene.Archibald-Graham@justice.gc.ca>

Subject: Re: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Good Afternoon Counsel,

Prothonotary Milczynski's direction of April 12, 2022 contemplated that the purpose of today's CMC was to confirm whether any of the Applicants seek to respond to the AGC's expert report, and to confirm the schedule and protocol for the cross examinations.

The T-306-22 Applicants are not in a position to determine whether they will seek to respond to the expert report at this time given that we do not have the report or even the area of expertise of the expert.

We are in the process of reviewing the draft protocol that was circulated last night. As a preliminary comment, it is our preference that Prothonotary Milczynski sit in on the cross-examinations so that she can make rulings on any issues that may arise as we go.

We would also like to see the expert report before confirming which of the AGC's affiants we will seek to cross-examine.

Kind regards,
Alex

Alexander Boissonneau-Lehner
Lawyer



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From: "Provart, John" <John.Provart@justice.gc.ca>

Date: Tuesday, May 3, 2022 at 6:49 PM

To: David Cowling <dcowling@johnstonecowling.com>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>, Simon Sigler <ssigler@johnstonecowling.com>, Aditi Gupta <agupta@johnstonecowling.com>, 'Janani Shanmuganathan' <janani@gslp.ca>, 'Ewa Krajewska' <ekrajewska@hhllp.ca>, 'Sujit Choudhry' <suj@choudhry.law>, "'mgourlay@hhllp.ca'" <mgourlay@hhllp.ca>, "'bsvandenberga@fosterllp.ca'" <bsvandenberga@fosterllp.ca>, "'bmiller@fosterllp.ca'" <bmiller@fosterllp.ca>, "'blair@ectorlaw.com'" <blair@ectorlaw.com>, 'Mandy England' <Mandy.England@gov.ab.ca>

Cc: "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, "Coleman, Rebecca" <Rebecca.Coleman@justice.gc.ca>, "Widdifield, Shain" <Shain.Widdifield@justice.gc.ca>, "Archibald-Graham, Karlene" <Karlene.Archibald-Graham@justice.gc.ca>

Subject: T-306-22, T-316-22, T-347-22 and T-382-22 - Cross-examination Protocol / Cross-examinations

Dear Counsel,

In advance of tomorrow's CMC, we wanted to provide you with a draft protocol for cross-examinations that we have been working on – consistent with the Court's direction of April 19. This is based on protocols that have been used in other cases involving multiple applicants and affiant cross-examinations, to foster the fair and efficient conduct of the cross-exams. This is a draft and is not set in stone, so we will look forward to receiving your input and further refining this document.

In terms of cross-examinations, we intend to cross-examine Ms. Nagle as well as Messrs Jost, Cornell, Gircys and Ristau on their affidavits. We are also prepared to make our affiants available in a timely manner. Could counsel on each application please confirm which of our affiants you intend to cross-examine?

That will help inform our discussion of next steps, although the motions to amend the notices of application remain outstanding in CFN/Nagle and CCF, and CCF's motion in relation to the record will not be heard until May 27; issues related to our proposed expert report also of course remain outstanding.

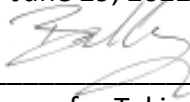
Thank you,

John

John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)
Department of Justice Canada | Ministère de la Justice Canada
(647) 256-0784

This is Exhibit "J" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Sent: Wednesday, May 11, 2022 3:30 PM
To: Ewa Krajewska; Alexander Boissonneau-Lehner; Provart, John; David Cowling; Aditi Gupta; Sujit Choudhry; Matthew Gourlay; bsvandenberg@fosterllp.ca; bmiller@fosterllp.ca; blair@ectorlaw.com; Mandy England; Archibald-Graham, Karlene; Brandon Chung; Kohlman, Kathleen
Subject: Proposed final draft of Cross-Examination Protocol.
Attachments: Protocol for Virtual Cross-Examinations - EA Litigation - May 11, 2022 (incorporating CCLA May 8 Comments) (CLEAN).docx

Dear counsel,

Further to our discussion of the Protocol during Monday's CMC and my discussions with counsel for the CCLA, I have attached what I believe reflects the final draft that the parties might be able to agree upon. I accepted the original proposed changes. The yellow highlighted provisions reflect my understand of what was discussed. Please review and let me know if you think we can make the wording clear or better or if there is something missing.

Thanks for working with us on this. We will look forward to hearing from you.

Jeff

U1#Mii#Dghwq#
 Brandon Chung

General Counsel, Civil Litigation Section
 Department of Justice/National Litigation Sector/Government of Canada
 532-50 O'Connor St. Ottawa, Ontario. K1A 0H8
R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / Fax: 613 954-1920

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Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Ewa Krajewska
Sent: Thursday, May 12, 2022 3:58 PM
To: Anderson, R. Jeff
Cc: Brandon Chung
Subject: Re: T-316 - Direction to Attend to Steve Shragge

Jeff

I confirm the time of the examination.

We will serve a finalized direction and we will book a court reporter.

Ewa

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Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Sent: Thursday, May 12, 2022 3:35 PM
To: Ewa Krajewska <ekrajewska@hhllp.ca>
Cc: Brandon Chung <bchung@hhllp.ca>
Subject: RE: T-316 - Direction to Attend to Steve Shragge

Thanks Ewa,

I appreciate your efforts to accommodate us as best you can while pushing for the earlier date. I wonder if we can see about conducting a cross on Mr. Shragge between 1:30 and 3:00 on Thursday, May 19th – I will confirm the time with Mr. Shragge if it works for you.

The only thing I will point out is that I may not be able get you answers in advance of the cross regarding our position the production of all of the records sought in the Direction to Attend given the short time we have to deal with the request and prepare for the cross next Thursday.

Jeff

R. Jeff Anderson

General Counsel, Civil Litigation Section Department of Justice/National Litigation Sector/Government of Canada
532-50 O'Connor St. Ottawa, Ontario. K1A 0H8 R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / cell: 613 296-0739/Fax: 613 954-1920

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From: Ewa Krajewska <ekrajewska@hhllp.ca>
Sent: May 11, 2022 6:09 PM
To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Cc: Brandon Chung <bchung@hhllp.ca>
Subject: T-316 - Direction to Attend to Steve Shragge

Jeff,

I am attaching a draft copy of the direction to attend. The only part of this that is draft is the date. After having considered the issue and the timelines, we think it would be best to at least begin Mr. Shragge's cross-examination on May 19th. I don't expect to be longer than 2 hours on that day and it may be shorter than that. But I think it is necessary to flesh out any privilege issues and whether those intersect in any way with the current motion with respect to the record scheduled on May 27th before we attend the case conference on May 25th. Ideally we would be able to write to the Court with our position on May 20th.

While I appreciate that you would be prepared to provide us with your position on the production of the documents listed in the direction next week. Even if you provide those to us by May 18th and we cross-examine Mr. Shragge on May 25th or May 27th, I am concerned that the circumstances around those documents will only come out during the examination.

I am prepared to be flexible about the time for the cross-examination on May 19th and accommodate your and Mr. Shragge's schedule.

I would be pleased to speak with you about this so that we can find a cooperative solution.

Thank you,

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

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Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Ewa Krajewska <ekrajewska@hhllp.ca>
Sent: May 16, 2022 9:37 PM
To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Cc: 'Sujit Choudhry' <suj@choudhry.law>; Janani Shanmuganathan <janani@gsllp.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Subject: RE: Protocol and Cross & upcoming Cross-Exam of Steven Shragge

Jeff,

I have spoken to Janani who is counsel to the CCF and they are agreeable to the revised protocol.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Sent: May 16, 2022 4:45 PM
To: Ewa Krajewska <ekrajewska@hhllp.ca>

Cc: 'Sujit Choudhry' <suj@choudhry.law>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>

Subject: RE: Protocol and Cross & upcoming Cross-Exam of Steven Shragge

Thank you Ewa,

I appreciate your quickly turning this around. I have accepted all of your proposed changes.

Can you confirm that the CCLA agrees in principle with this version and can you also advise whether that agreement in principle is also the CCF's agreement or will we hear from the CCF?

Also, for Alex re CFNA, I wonder if we can reach an agreement in principle on this will acknowledging the CFNA's desire to reserve its right to determine whether to cross on our expert or any other fact witness until after the ambit of the actual record as well as any further expert reports might be filed. That is, when the CFNA decides whether and when to cross this will be the Protocol to which they too will adhere.

Thanks all for your help in getting this together. I will wait to hear back from you.

Jeff

R. Jeff Anderson

General Counsel, Civil Litigation Section Department of Justice/National Litigation Sector/Government of Canada
532-50 O'Connor St. Ottawa, Ontario. K1A 0H8 R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / cell: 613 296-0739/Fax: 613 954-1920

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From: Ewa Krajewska <ekrajewska@hhllp.ca>

Sent: May 16, 2022 11:36 AM

To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>

Cc: 'Sujit Choudhry' <suj@choudhry.law>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>

Subject: RE: Protocol and Cross & upcoming Cross-Exam of Steven Shragge

Jeff,

I attach an updated copy of the protocol with some small corrections and a clarification to the date in one of the Whereas clauses.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>

Sent: May 16, 2022 10:55 AM

To: Ewa Krajewska <ekrajewska@hhllp.ca>

Cc: 'Sujit Choudhry' <suj@choudhry.law>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>

Subject: RE: Protocol and Cross & upcoming Cross-Exam of Steven Shragge

Hello everyone,

Here is the updated version of the Protocol.

Thanks

Jeff

U1#Mii#Dghvq#

General Counsel, Civil Litigation Section

Department of Justice/National Litigation Sector/Government of Canada

532-50 O'Connor St. Ottawa, Ontario. K1A 0H8

R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / Fax: 613 954-1920

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From: Ewa Krajewska <ekrajewska@hhllp.ca>
Sent: May 16, 2022 9:49 AM
To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Cc: 'Sujit Choudhry' <suj@choudhry.law>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Subject: RE: Protocol and Cross & upcoming Cross-Exam of Steven Shragge

Thanks Jeff. I'll get back to you today. I just want to confirm that the version you want me to review is the one you sent on May 11th? Can you send me the latest version with the grammar changes? I'd rather look at it all in one shot.

Ewa

Ewa Krajewska (she/her)
 Partner
HENEIN HUTCHISON LLP | BARRISTERS |
 235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9
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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>
Sent: Monday, May 16, 2022 9:45 AM
To: Ewa Krajewska <ekrajewska@hhllp.ca>
Cc: 'Sujit Choudhry' <suj@choudhry.law>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Provart, John <John.Provart@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Subject: Protocol and Cross & upcoming Cross-Exam of Steven Shragge
Importance: High

Hello Ewa ,

I hope you had a nice weekend and that you were able to enjoy the summer weather.

I wanted to make sure we are clear on where things stand with the Protocol before we commence the Shragge cross. While I know we are not going to get the *Jost* applicants on board right now, I would like to ensure that we have an agreement in principle between the other parties with respect to some version of the Protocol in advance. At the very least, I would want to ensure that we have an agreement between Canada, the CCLA and CCF.

I have updated the version that I sent to the parties last week to take into account the helpful grammar and spelling comments from Alberta. I can send that version around but before I do it would be good to know if there are other substantive comments to the last version.

Thanks for taking the time to consider my request. Let me know if you would like to talk further.

Jeff

~~U1#Mii#Dophuof#~~

General Counsel, Civil Litigation Section
Department of Justice/National Litigation Sector/Government of Canada
532-50 O'Connor St. Ottawa, Ontario. K1A 0H8
R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / Fax: 613 954-1920

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This is Exhibit "M" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Sent: Wednesday, May 25, 2022 10:17 AM
To: Nelson, Shaun; 'Brendan Miller'; Murray, Andrew; Mary Arulnesan
Cc: Ewa Krajewska; Matthew Gourlay; Brandon Chung; John.Provart@justice.gc.ca; Anderson, R. Jeff; Kohlman, Kathleen; Coleman, Rebecca; Widdifield, Shain; Ayesha.Laldin@justice.gc.ca; Archibald-Graham, Karlene; David Cowling; Simon Sigler; Aditi Gupta; 'Janani Shanmuganathan'; 'Sujit Choudhry'; Bath-Sheba van den Berg; 'blair@ectorlaw.com'; 'Mandy England'
Subject: Re: T-306-22, T-316-22, T-347-22, T-382-22 CMC May 25th @ 11am EST
Attachments: 2022 05 25 Proposed Agenda Items for CMC on May 25 2022 UPDATED AGENDA[3].docx

Good Morning Shaun,

My apologies – David Cowling (dcowling@johnstonecowling.com) and myself will be in attendance on behalf of the T-306-22.

I also attach an update to the most recent version of the agenda circulated yesterday evening, setting out the T-306-22 applicants position on the matters raised therein. I would be grateful if you could forward it to the Court ahead of this morning's case conference.

Thank you.

Regards,
 Alex

Alexander Boissonneau-Lehner
 Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125

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From: "Nelson, Shaun" <shaun.nelson@cas-satj.gc.ca>

Date: Wednesday, May 25, 2022 at 9:41 AM

To: 'Brendan Miller' <bmillier@fosterllp.ca>, "Murray, Andrew" <Andrew.Murray@cas-satj.gc.ca>, 'Mary Arulnesan' <marulnesan@hhllp.ca>

Cc: Ewa Krajewska <ekrajewska@hhllp.ca>, Matthew Gourlay <mgourlay@hhllp.ca>, Brandon Chung <bchung@hhllp.ca>, "John.Provart@justice.gc.ca" <John.Provart@justice.gc.ca>, "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, "Coleman, Rebecca" <Rebecca.Coleman@justice.gc.ca>, "Widdifield, Shain" <Shain.Widdifield@justice.gc.ca>, "Ayesha.Laldin@justice.gc.ca" <Ayesha.Laldin@justice.gc.ca>, "Archibald-Graham, Karlene" <Karlene.Archibald-Graham@justice.gc.ca>, David Cowling <dcowling@johnstonecowling.com>, Simon Sigler <ssigler@johnstonecowling.com>, Aditi Gupta <agupta@johnstonecowling.com>, 'Janani Shanmuganathan' <janani@gslp.ca>, 'Sujit Choudhry' <suj@choudhry.law>, Bath-Sheba van den Berg <bsvandenbergh@fosterllp.ca>, "'blair@ectorlaw.com'" <blair@ectorlaw.com>, 'Mandy England' <Mandy.England@gov.ab.ca>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Subject: RE: T-306-22, T-316-22, T-347-22, T-382-22 CMC May 25th @ 11am EST

Good morning Counsel,

Kindly confirm who will be in attendance for the Applicant in T-306-22.

Regards,

Shaun Nelson

Case Management Team

Registry Officer, Ops2

shaun.nelson@cas-satj.gc.ca

416-550-1958

From: Brendan Miller <bmillier@fosterllp.ca>

Sent: May 24, 2022 12:31 PM

To: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>; 'Mary Arulnesan' <marulnesan@hhllp.ca>; Nelson, Shaun <shaun.nelson@cas-satj.gc.ca>

Cc: Ewa Krajewska <ekrajewska@hhllp.ca>; Matthew Gourlay <mgourlay@hhllp.ca>; Brandon Chung <bchung@hhllp.ca>; John.Provart@justice.gc.ca; Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Ayesha.Laldin@justice.gc.ca; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Simon Sigler <ssigler@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Bath-Sheba van den Berg <bsvandenbergh@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Subject: RE: T-306-22, T-316-22, T-347-22, T-382-22 CMC May 25th @ 11am EST

Mr. Murray,

Thank you for the link and information. I just write to advise that tomorrow Mr. Ector will be speaking for the Jost et al. Applicants and Ms. van den Berg will also be present. I will not however be in attendance tomorrow.

Best,



Brendan M. Miller, B.A., J.D., LL.M.

Special Counsel

2100, 520 - 5th Avenue SW,

Calgary Alberta T2P 3R7

T 403 261 8471 F 403 266 4741

E bmiller@fosterllp.ca

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From: Murray, Andrew <Andrew.Murray@cas-satj.gc.ca>

Sent: Tuesday, May 24, 2022 7:53 AM

To: 'Mary Arulnesan' <marulnesan@hhllp.ca>; Nelson, Shaun <shaun.nelson@cas-satj.gc.ca>

Cc: Ewa Krajewska <ekrajewska@hhllp.ca>; Matthew Gourlay <mgourlay@hhllp.ca>; Brandon Chung <bchung@hhllp.ca>; John.Provart@justice.gc.ca; Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Widdifield, Shain <Shain.Widdifield@justice.gc.ca>; Ayesha.Laldin@justice.gc.ca; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>; David Cowling <dcowling@johnstonecowling.com>; Simon Sigler <ssigler@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Janani Shanmuganathan' <janani@gslp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Bath-Sheba van den Berg <bsvandenbergfosterllp.ca>; Brendan Miller <bmiller@fosterllp.ca>; 'blair@ectorlaw.com' <blair@ectorlaw.com>; 'Mandy England' <Mandy.England@gov.ab.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Subject: RE: T-306-22, T-316-22, T-347-22, T-382-22 CMC May 25th @ 11am EST

Good Morning Counsel,

Please find below a copy of the zoom login information for tomorrow's call. I would kindly request that each party reply confirming receipt and advising who will be in attendance.

Regards,
Andrew Murray

Registry Officer

Topic: T-306-22, T-316-22, T-347-22 and T-382-22

Time: May 25, 2022 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cas-satj.zoom.us/j/61006067336?pwd=aU83OGFPUnpRcVNNS3NlOUNveTM2Zz09>

Meeting ID: 610 0606 7336

Passcode: 883583

One tap mobile

+16132093054,,61006067336#,,,,*883583# Canada

+16473744685,,61006067336#,,,,*883583# Canada

Dial by your location

+1 613 209 3054 Canada

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

833 955 1088 Canada Toll-free

833 958 1164 Canada Toll-free

Meeting ID: 610 0606 7336

Passcode: 883583

Find your local number: <https://cas-satj.zoom.us/j/gcavvBWcTx>

Join by SIP

61006067336@zmca.us

Join by H.323

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

Meeting ID: 610 0606 7336

Passcode: 883583

Join by Skype for Business

<https://cas-satj.zoom.us/skype/61006067336>

Case Management Meeting Agenda

May 25, 2022

1. Confirmation of cross-examination protocol

AGC Update and Position

- agreement in-principle between all parties except *Jost* applicants.
- AGC position that Protocol should at least apply, to the extent crown evidence in any cross is admissible on all including *Jost*.

CCLA Applicants Update and Position

- [...]

CCF Applicants Update and Position

- [...]

Canadian Frontline Nurses

- The CFN Applicants confirm that they have reached an agreement in-principle with respect to the cross-examination protocol.

Jost Applicants Update and Position

- The *Jost* Applicants have served and filed three written examinations on each of the AGC's affiants on May 16, 18 and 19 2022.
- The *Jost* Applicants seek a ruling at this CMC that the AGC has waived their right to examine the *Jost* Applicants by failing to examine any of them or organize same in a timely manner. The *Jost* Applicants have been seeking, since March 9, 2022, for the AGC to examine the *Jost* affiants. The AGC refused to confirm if they sought to exam the *Jost* affiants until May 3, 2022. On May 4, 2022, the *Jost* Applicants then provided the AGC with all of the dates for all four of the *Jost* Applicants for when they were available for the entirety of May 2022. The AGC has refused to carry out cross-examination of the *Jost* Applicants and took the position as follows, verbatim:

"We will not engage in cross-examination until after we have determined the ambit of the record. As a result, we would like to know when your affiants would be available in the three weeks following the CCF's motion on the s. 39 and ambit of the record on May 27th, 2022".

- It needs to be noted that this Court originally directed examinations to be completed by April 29, 2022. The reason for all of the delay has been because of the AGC refusing to question the *Jost* Applicants. Permitting the AGC to further delay the examinations as they have to date, will delay matters further. The delay to examine the *Jost* Applicants has been unnecessary.
- If the *Jost* Applicants request for a ruling that the AGC has waived the right to examine the *Jost* affiants by refusing to do so for two months; the *Jost* Applicants submit that

the AGC should be directed that their right to oral examinations has been waived. The *Jost* Applicants also submit that notwithstanding the waiver, the AGC are permitted to file Written Examinations of the *Jost* affiants on or before Monday, May 30, 2022, and the *Jost* Applicants will undertake to get the answering affidavits filed forthwith and well in advance of the usual 30-day deadline. If that is not accepted, the availability of the *Jost* Applicants are as follows:

- **Mr. Cornell:** June 2022 is good, will do his best to make himself available anytime
- **Ristau:** traveling in June, “but could meet via zoom on the phone on June 6, 7, 8, 9, 14, 15, 16 from vehicle via zoom”. Others may be present in said vehicle. Available after those dates, other than June 27 and June 30.
- **Jost:** He “can pretty much make any date work in June” and he will make it a priority.
- **Gircys:** Not available on June 3 and June 10 but available any other day in June.

2. Canadian Constitution Foundation under Rule 318

- This motion is currently returnable May 27, 2022.
- The issue on this motion is about cabinet confidence.
- The issue on this motion intersects with refusals that were made on the cross-examination of Mr. Shragge held on May 19, 2022.
- The CCF, the CCLA and the AGC have conferred and have agreed to adjourn this motion so that all issues with respect to cabinet confidences are determined at the same hearing. The AGC asks that all cross-examinations be completed before the hearing of this motion.
 - The CCF and the CCLA propose that the motion be heard the week of June 27th.
 - In order to meet that timeline, the CCF and CCLA propose the following:
 - Cross-examinations to be completed by June 1st.
 - AGC obtain a certificate under section 39 by June 6th.
 - The CCLA will serve its factum by June 13th.
- In addition, Prothonotary Milczynski’s direction of April 19, 2022 that the CCF’s motion to amend be heard at the same time as its Rule 318 motion should stand.

3. Scheduling of remaining cross-examinations

AGC Update and Position

- The CCLA intends to cross-examine Mr. Beaudouin. Dates for this cross-examination need to be arranged.

CCLA Applicants Update and Position

- [...]

CCF Applicants Update and Position

- [...]

Canadian Frontline Nurses

- The CFN Applicants has confirmed it wishes to cross-examine the AGC's affiants, namely:
 - Steven Shragge
 - Denis Beaudoin
 - Rebecca Coleman
- The AGC has confirmed it wishes to cross-examine Kristen Nagle
- Dates for cross-examinations need to be confirmed

Jost Applicants Updates and Positions

- The *Jost* Applicants seek confirmation that the AGC has completed their 'case-in-chief' and that the filing of affidavits is complete. No further affidavits for experts, lay persons or otherwise should be filed without leave from the Court.
 - The *Jost* Applicants have met their filing deadlines.
 - The AGC were to file all affidavits on or before April 5, 2022 and did not file the affidavit from the purported expert.
 - The Court gave the AGC an initial extension to May 5, 2022.
 - The AGC did not meet the May 5, 2022 extension and advised they could not and sought the extension to May 19, 2022.
 - The AGC missed the May 19, 2022 deadline.
 - The AGC advised the Court on May 20, 2022 that "*the Attorney General of Canada will not, in the end, be filing an expert report in these files.*"

5. Motions arising from cross-examinations – dates

AGC Update and Position

- The CCLA cross-examined the AGC affiant Steven Shragge on May 19, 2022. This cross-examination elicited a number of objections from the AGC. The overwhelming majority of these objections related to the "Incident Response Group" and were made on the basis of Cabinet confidence. There is substantial overlap between these objections and the issues raised in the CCF's application, which may be worthy of discussion at the case management conference.

CCLA Applicants Update and Position

- [...]

CCF Applicants Update and Position

- [...]

Canadian Frontline Nurses

- See #8.

Jost Applicants Updates and Positions

- The *Jost Applicants prima facie* do not have an issue with the suggestion of the AGC that compulsion motion be heard at the same time as the other Applicants in the other actions, but this in no way waives our position on the inadmissibility of the evidence in those actions in our action or our non-party status to Protocol.

6. Applicants' factum on JR – page lengthAGC suggest

- [...]

CCLA Applicants suggest

- [...]

CCF Applicants suggest

- [...]

Canadian Frontline Nurses suggest

- 30 pages maximum.

Jost Applicants suggest

- 30 pages maximum.

7. Respondent's factum on the JR – page length.AGC suggest

- [...]

CCLA Applicants suggest

- [...]

CCF Applicants suggest

- [...]

Canadian Frontline Nurses suggest

- 30 pages maximum.

Jost Applicants suggest

- 30 pages maximum.

8. Any other procedural motions that should be advanced before a Requisition for Hearing is filed or hearing dates are set.

AGC Update and Position

- [...]

CCLA Applicants Update and Position

- [...]

CCF Applicants Update and Position

- [...]

Canadian Frontline Nurses

- Aside from the possibility of seeking informal recourse to the Court in accordance with paragraph 11 of the Cross-Examination Protocol relating to issues arising from objections made on cross-examinations, the CFN Applicants do not anticipate that they will be bringing any further procedural motions at this time.

Jost Applicants Updates and Positions

- The *Jost* Applicants take the position that only the motions for compulsion arising from examinations take place in advance of to hearing, and a hearing date should be set for the JR.

7. Potential Hearing dates & Duration.

AGC Update and Position

- [...]

CCLA Applicants Update and Position

- [...]

CCF Applicants Update and Position

- [...]

Canadian Frontline Nurses

- [...]

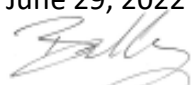
Jost Applicants Updates and Positions

- The *Jost* Applicants recognize that under the Rules the AGC has 30 days to answer the Written Examinations served May 16, 18, and 19 2022 respectively. The *Jost* Applicants surmise that the AGC will object to many questions and undertakings/undertakings via r.94 by incorporation. This motion should be considered regarding timing to set a hearing date. We therefore outline our argument

on that motion in advance so timing can be assessed. We can advise that a motion will be made to compel all or some objections on the following basis:

- All undertakings sought should be provided via R. 94 and its incorporation into R. 100 of the Rules.
- All undertakings sought should be provided as s.39 of the *Canada Evidence Act* has been invoked over all the records that were before the Governor in Council when she made the decision to invoke the *Emergencies Act* and subsequent Orders in Council. The law requires the Court needing to be creative in dealing with the production of records when a s.39 privilege is invoked as directed by the Federal Court of Appeal in *Canada (Citizenship and Immigration) v. Canadian Council for Refugees*, [2021 FCA 72 so meaningful judicial review can be had](#). In particular, it is not the Executive Branch of Government of Canada that gathers the evidence and information regarding threats as defined under s.2 of the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 (the “CSIS Act”). Evidence and information regarding threats as defined under s.2 of the *CSIS Act* is gathered by the independent civil servants with the Communications Security Establishment, the Canadian Security Intelligence Service, the Integrated Terrorism Response Team, and the Royal Canadian Mounted Police. Although records that were before the Cabinet in this matter are subject to a s.39 certificate and are therefore not producible – the relevant and material evidence and assessments from these independent civil servants regarding threats under s.2 of the *CSIS Act* – are producible. It is this evidence that must replace the record that has been denied by the Respondents using s.39 of the *Canada Evidence Act*. Our motion will plead that these undertakings are required in order for the Court to ensure that s.96-101 of the *Constitution Act*, 1867 are not violated and be produced in lieu of the record the Court cannot compel due to the s.39 certificate.
- All undertakings sought should be provided from the affiants as they are not merely witnesses of the Respondents, but “Agents” in the circumstance, and as such, have a duty to make inquiries beyond that of a normal affiant witness.
- All questions asked of the affiants are material and relevant and within the four squares of the *Jost* Applicants’ Notice of Application filed in this matter.

This is Exhibit "N" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Sent: Wednesday, May 25, 2022 4:34 PM
To: Ewa Krajewska <ekrajewska@hhlip.ca>
Cc: Aaron, David <David.Aaron@justice.gc.ca>
Subject: RE: Cross examination of Denis Beaudoin

Do you want for us to arrange to have Supt. Beaudoin appear on that day for examination? Will you be serving a Direction to Attend in addition?

Regards,
Kathleen

From: Ewa Krajewska <ekrajewska@hhlip.ca>
Sent: May 25, 2022 12:42 PM
To: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Subject: RE: Cross examination of Denis Beaudoin

Kathleen,

Can you confirm that Mr. Beaudouin could be examined on June 1st?

Ewa

Ewa Krajewska (she/her)
Partner
HENEIN HUTCHISON LLP | BARRISTERS |
235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9
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From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>

Sent: Wednesday, May 25, 2022 12:47 PM

To: 'David Cowling' <dcowling@johnstonecowling.com>; 'Simon Sigler' <ssigler@johnstonecowling.com>; 'Aditi Gupta' <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gslp.ca>; Ewa Krajewska <ekrajewska@hhlip.ca>; 'Sujit Choudhry' <suj@choudhry.law>; 'Mandy England' <Mandy.England@gov.ab.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; Matthew Gourlay <mgourlay@hhlip.ca>

Cc: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Provart, John <John.Provart@justice.gc.ca>; Aaron, David <David.Aaron@justice.gc.ca>; Tait, Beth <Beth.Tait@justice.gc.ca>; Muhammed-Ally, Nur <Nur.Muhammed-Ally@justice.gc.ca>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Merrill, Erin <erin.merrill@justice.gc.ca>

Subject: Cross examination of Denis Beaudoin

I have now received confirmation of Denis Beaudoin's availability through the month of June. He is available on June 1st but then is not available until after June 22nd as he is in a trial where he will be a witness. It is possible that some of those dates may open up, but he is required to be available until the Crown rests its case in that proceeding. If dates do open up, we will let you know as soon as possible. In the meantime, we will proceed to have him answer the written interrogatories served by the Jost applicants and will copy everyone with those answers once they are finalized.

Please let us know on what date you wish to cross-examine Mr. Beaudoin after June 22nd.

Regards,
Kathleen

Kathleen Kohlman (she/elle)
Senior Counsel
Prairie Region Office (Edmonton)
300, 10423 - 101 Street
Edmonton, AB T5H 0E7
National Litigation Sector
Department of Justice Canada / Government of Canada
kathleen.kohlman@justice.gc.ca
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Secteur national du contentieux
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Tél: 587-338-4965 m. / Téléc: 780-495-2964

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This is Exhibit "O" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Sent: Wednesday, May 25, 2022 5:28 PM
To: Ewa Krajewska; David Cowling
Cc: Brandon Chung
Subject: Re: Cross examination of Denis Beaudoin

Hi Ewa,

Our preference would be after June 22nd. Unfortunately, I have another commitment on June 1st.

Kind regards,
 Alex

Alexander Boissonneau-Lehner
 Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125

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From: Ewa Krajewska <ekrajewska@hhllp.ca>
Date: Wednesday, May 25, 2022 at 5:17 PM
To: David Cowling <dcowling@johnstonecowling.com>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Cc: Brandon Chung <bchung@hhllp.ca>
Subject: FW: Cross examination of Denis Beaudoin

David and Alexander,

We would be prepared to cross Supt. Beaudouin on June 1st. But I think it may be best to have him examined on one day by all counsel. Do you have a preference between June 1st and after June 22? I don't expect to have cabinet confidence issues come up on Beaudouin's examination. But it's hard to know for sure.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>**Sent:** Wednesday, May 25, 2022 12:47 PM**To:** 'David Cowling' <dcowling@johnstonecowling.com>; 'Simon Sigler' <ssigler@johnstonecowling.com>; 'Aditi Gupta' <agupta@johnstonecowling.com>; 'Janani Shanmuganathan' <janani@gsllp.ca>; Ewa Krajewska <ekrajewska@hhlip.ca>; 'Sujit Choudhry' <suj@choudhry.law>; 'Mandy England' <Mandy.England@gov.ab.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'bmiller@fosterllp.ca' <bmiller@fosterllp.ca>; Matthew Gourlay <mgourlay@hhlip.ca>**Cc:** Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Provart, John <John.Provart@justice.gc.ca>; Aaron, David <David.Aaron@justice.gc.ca>; Tait, Beth <Beth.Tait@justice.gc.ca>; Muhammed-Ally, Nur <Nur.Muhammed-Ally@justice.gc.ca>; Coleman, Rebecca <Rebecca.Coleman@justice.gc.ca>; Merrill, Erin <erin.merrill@justice.gc.ca>**Subject:** Cross examination of Denis Beaudoin

I have now received confirmation of Denis Beaudoin's availability through the month of June. He is available on June 1st but then is not available until after June 22nd as he is in a trial where he will be a witness. It is possible that some of those dates may open up, but he is required to be available until the Crown rests its case in that proceeding. If dates do open up, we will let you know as soon as possible. In the meantime, we will proceed to have him answer the written interrogatories served by the Jost applicants and will copy everyone with those answers once they are finalized.

Please let us know on what date you wish to cross-examine Mr. Beaudoin after June 22nd.

Regards,

Kathleen

Kathleen Kohlman (she/elle)

Senior Counsel

Prairie Region Office (Edmonton)

300, 10423 - 101 Street

Edmonton, AB T5H 0E7

National Litigation Sector

Department of Justice Canada / Government of Canada

kathleen.kohlman@justice.gc.ca

Telephone 587-338-4965 c. / Fax 780-495-2964

Avocate-principale

Bureau régional des Prairies, (Edmonton)

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Edmonton, AB T5H 0E7

Secteur national du contentieux

Ministère de la Justice Canada / Gouvernement du Canada

kathleen.kohlman@justice.gc.ca

Tél: 587-338-4965 m. / Téléc: 780-495-2964

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This is Exhibit "P" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Sent: June 9, 2022 3:26 PM

To: Ewa Krajewska <ekrajewska@hhlip.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: Re: Emergencies Act applications - Cross Exam of Denis Beaudoin

Good Afternoon Counsel,

We are available on June 20th. We are not available to cross-examine Mr. Beaudoin on June 21st.

Kind regards,

Alex

Alexander Boissonneau-Lehner
Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125

Fax: 416-546-2104

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From: Ewa Krajewska <ekrajewska@hhllp.ca>

Date: Thursday, June 9, 2022 at 3:17 PM

To: "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, 'Sujit Choudhry' <suj@choudhry.law>, 'Janani Shanmuganathan' <janani@gsllp.ca>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>, David Cowling <dcowling@johnstonecowling.com>

Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>, "JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur" <PROEmergenciesActLitTeam@justice.gc.ca>, "JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur" <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Dear Kathleen,

Thank you for letting us know. We are available to cross-examine Mr. Beaudouin on either June 20 or June 21.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>

Sent: Thursday, June 9, 2022 3:02 PM

To: Ewa Krajewska <ekrajewska@hhllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'David Cowling' <dcowling@johnstonecowling.com>

Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: Emergencies Act applications - Cross Exam of Denis Beaudoin

This is to let you know that Denis Beaudoin has now advised that he is available for cross-examination on his affidavit in advance of June 22nd. Please let me know if you would like to schedule same.

Regards,

Kathleen Kohlman (she/elle)
 Senior Counsel
 Prairie Region Office (Edmonton)
 300, 10423 – 101 Street
 Edmonton, AB T5H 0E7
 National Litigation Sector
 Department of Justice Canada / Government of Canada
kathleen.kohlman@justice.gc.ca
 Telephone 587-338-4965 c. / Fax 780-495-2964

Avocate-principale
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This is Exhibit "Q" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Ewa Krajewska
Sent: Monday, June 13, 2022 4:03 PM
To: Kohlman, Kathleen; Alexander Boissonneau-Lehner; 'Sujit Choudhry'; 'Janani Shanmuganathan'; David Cowling; Aditi Gupta; Brandon Chung
Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Kathleen,

We will proceed to examine Mr. Beaudoin on June 20th. I'll book the court reporter service at Neesons. We'll prepare a direction to attend that we will serve before Wednesday.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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Sent: Monday, June 13, 2022 3:14 PM
To: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Ewa Krajewska <ekrajewska@hhlip.ca>; 'Sujit Choudhry' < Suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>
Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Please advise if you will be proceeding with examination of Mr. Beaudoin on June 20th. Please also advise if there are any documents you wish to have him bring with him.

Regards,
 Kathleen

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Sent: June 9, 2022 3:26 PM
To: Ewa Krajewska <ekrajewska@hhlip.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; 'Sujit Choudhry'

<suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; David Cowling <dcowling@johnstonecowling.com>;
Aditi Gupta <agupta@johnstonecowling.com>

Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO
Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR
Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: Re: Emergencies Act applications - Cross Exam of Denis Beaudoin

Good Afternoon Counsel,

We are available on June 20th. We are not available to cross-examine Mr. Beaudoin on June 21st.

Kind regards,
Alex

Alexander Boissonneau-Lehner
Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125

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Email: alehner@johnstonecowling.com

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Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

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Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

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From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>**Sent:** Thursday, June 9, 2022 3:02 PM**To:** Ewa Krajewska <ekrajewska@hhllp.ca>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gslp.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'David Cowling' <dcowling@johnstonecowling.com>**Cc:** Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>**Subject:** Emergencies Act applications - Cross Exam of Denis Beaudoin

This is to let you know that Denis Beaudoin has now advised that he is available for cross-examination on his affidavit in advance of June 22nd. Please let me know if you would like to schedule same.

Regards,

Kathleen Kohlman (she/elle)

Senior Counsel

Prairie Region Office (Edmonton)

300, 10423 – 101 Street

Edmonton, AB T5H 0E7

National Litigation Sector

Department of Justice Canada / Government of Canada

kathleen.kohlman@justice.gc.ca

Telephone 587-338-4965 c. / Fax 780-495-2964

Avocate-principale

Bureau régional des Prairies, (Edmonton)

300, 10423 - rue 101,

Edmonton, AB T5H 0E7

Secteur national du contentieux

Ministère de la Justice Canada / Gouvernement du Canada

kathleen.kohlman@justice.gc.ca

Tél: 587-338-4965 m. / Téléc: 780-495-2964

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This is Exhibit "R" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Sent: Tuesday, June 14, 2022 2:13 PM
To: Ewa Krajewska; Alexander Boissonneau-Lehner; 'Sujit Choudhry'; 'Janani Shanmuganathan'; David Cowling; Aditi Gupta; Brandon Chung
Cc: Aaron, David; Beaudoin, Denis
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

My apologies, but in checking back with Denis Beaudoin, he has meetings on the 20th that cannot be changed, at 0830, 1000, 1130, and 230. Is there another day that works for you?

Kathleen

From: Ewa Krajewska <ekrajewska@hhllp.ca>
Sent: June 13, 2022 2:03 PM
To: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Brandon Chung <bchung@hhllp.ca>
Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Kathleen,

We will proceed to examine Mr. Beaudouin on June 20th. I'll book the court reporter service at Neesons. We'll prepare a direction to attend that we will serve before Wednesday.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Please advise if you will be proceeding with examination of Mr. Beaudoin on June 20th. Please also advise if there are any documents you wish to have him bring with him.

Regards,
 Kathleen

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Sent: June 9, 2022 3:26 PM
To: Ewa Krajewska <ekrajewska@hhlip.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gslip.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>
Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>
Subject: Re: Emergencies Act applications - Cross Exam of Denis Beaudoin

Good Afternoon Counsel,

We are available on June 20th. We are not available to cross-examine Mr. Beaudoin on June 21st.

Kind regards,
 Alex

Alexander Boissonneau-Lehner
 Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8
London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125
 Fax: 416-546-2104
 Email: alehner@johnstonecowling.com

www.johnstonecowling.com

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From: Ewa Krajewska <ekrajewska@hhllp.ca>

Date: Thursday, June 9, 2022 at 3:17 PM

To: "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, 'Sujit Choudhry' <suj@choudhry.law>, 'Janani Shanmuganathan' <janani@gslp.ca>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>, David Cowling <dcowling@johnstonecowling.com>

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Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Dear Kathleen,

Thank you for letting us know. We are available to cross-examine Mr. Beaudouin on either June 20 or June 21.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

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Subject: Emergencies Act applications - Cross Exam of Denis Beaudoin

This is to let you know that Denis Beaudoin has now advised that he is available for cross-examination on his affidavit in advance of June 22nd. Please let me know if you would like to schedule same.

Regards,

Kathleen Kohlman (she/elle)

Senior Counsel

Prairie Region Office (Edmonton)

300, 10423 – 101 Street

Edmonton, AB T5H 0E7

National Litigation Sector

Department of Justice Canada / Government of Canada

kathleen.kohlman@justice.gc.ca

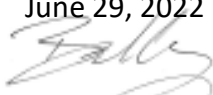
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Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Ewa Krajewska
Sent: Tuesday, June 14, 2022 2:15 PM
To: Kohlman, Kathleen; Alexander Boissonneau-Lehner; 'Sujit Choudhry'; 'Janani Shanmuganathan'; David Cowling; Aditi Gupta; Brandon Chung
Cc: Aaron, David; Beaudoin, Denis
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Kathleen,

Brandon and I could examine Mr. Beaudoin on June 21st.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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To: Ewa Krajewska <ekrajewska@hhllp.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; 'Sujit Choudhry' <su@choudhry.law>; 'Janani Shanmuganathan' <janani@gslp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Brandon Chung <bchung@hhllp.ca>
Cc: Aaron, David <David.Aaron@justice.gc.ca>; Beaudoin, Denis <denis.beaudoin@rcmp-grc.gc.ca>
Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

My apologies, but in checking back with Denis Beaudoin, he has meetings on the 20th that cannot be changed, at 0830, 1000, 1130, and 230. Is there another day that works for you?

Kathleen

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To: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; 'Sujit Choudhry' <su@choudhry.law>; 'Janani Shanmuganathan' <janani@gslp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Brandon Chung <bchung@hhllp.ca>
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Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Kathleen,

We will proceed to examine Mr. Beaudouin on June 20th. I'll book the court reporter service at Neesons. We'll prepare a direction to attend that we will serve before Wednesday.

Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

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Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Please advise if you will be proceeding with examination of Mr. Beaudoin on June 20th. Please also advise if there are any documents you wish to have him bring with him.

Regards,
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From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Sent: June 9, 2022 3:26 PM

To: Ewa Krajewska <ekrajewska@hhllp.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; 'Sujit Choudhry' <suj@choudhry.law>; 'Janani Shanmuganathan' <janani@gsllp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

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Subject: Re: Emergencies Act applications - Cross Exam of Denis Beaudoin

Good Afternoon Counsel,

We are available on June 20th. We are not available to cross-examine Mr. Beaudoin on June 21st.

Kind regards,
Alex

Alexander Boissonneau-Lehner
Lawyer



Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8
London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel: 416-546-2125
Fax: 416-546-2104
Email: alehner@johnstonecowling.com

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Subject: RE: Emergencies Act applications - Cross Exam of Denis Beaudoin

Dear Kathleen,

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Ewa

Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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Cc: Ottawa Emergencies Act Lit Team / Équipe du Contentieux mesur <oema-ecm@justice.gc.ca>; JUS.L PRO Emergencies Act Lit Team / Équipe du Contentieux mesur <PROEmergenciesActLitTeam@justice.gc.ca>; JUS.L TOR Emergencies Act Lit Team / Équipe du Contentieux mesur <TOREmergenciesActLitTeam@justice.gc.ca>

Subject: Emergencies Act applications - Cross Exam of Denis Beaudoin

This is to let you know that Denis Beaudoin has now advised that he is available for cross-examination on his affidavit in advance of June 22nd. Please let me know if you would like to schedule same.

Regards,

Kathleen Kohlman (she/elle)
Senior Counsel
Prairie Region Office (Edmonton)
300, 10423 – 101 Street
Edmonton, AB T5H 0E7
National Litigation Sector
Department of Justice Canada / Government of Canada
kathleen.kohlman@justice.gc.ca
Telephone 587-338-4965 c. / Fax 780-495-2964

Avocate-principale
Bureau régional des Prairies, (Edmonton)
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Secteur national du contentieux
Ministère de la Justice Canada / Gouvernement du Canada
kathleen.kohlman@justice.gc.ca
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This is Exhibit "T" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>
Sent: Thursday, June 16, 2022 11:19 PM
To: Janani Shanmuganathan; Ewa Krajewska
Cc: Provart, John; Anderson, R. Jeff; Alexander Boissonneau-Lehner; Sujit Choudhry; Brandon Chung; Neesons Tech; Neesons Scheduling; David Cowling; Mackenzie Campbell; Aditi Gupta; Archibald-Graham, Karlene
Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

Can we confirm that everyone who is examining Mr. Beaudoin is available on the 21st and what start time works for all? I have sent a message to Denis to confirm his availability.

Thanks,
 Kathleen

From: Janani Shanmuganathan <janani@gslp.ca>
Sent: June 16, 2022 7:48 PM
To: Ewa Krajewska <ekrajewska@hhlp.ca>
Cc: Provart, John <John.Provart@justice.gc.ca>; Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>; Sujit Choudhry <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Brandon Chung <bchung@hhlp.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>; David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>
Subject: Re: Booking court reporter for Cross-Examination - Mr. Shragge

Hi everyone,

Is there any chance we could push back Beaudoin's cross on Tuesday to 12pm or after? I have to be in court to receive judgment on a trial Tuesday morning and would like to attend the cross if possible. Sorry for the inconvenience. Thank you.

Janani

On Jun 16, 2022, at 9:45 PM, Ewa Krajewska <ekrajewska@hhlp.ca> wrote:

Thank you for the update.

We will cross examine Mr Beaudoin on Tuesday. We can start at 10 AM EST unless a different time is preferable.

Ewa

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Ewa Krajewska (she/her)

Partner

HENEIN HUTCHISON LLP | BARRISTERS |

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From: Provart, John <John.Provart@justice.gc.ca>

Sent: Thursday, June 16, 2022 9:42:46 PM

To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gslp.ca>; Brandon Chung <bchung@hhllp.ca>; Ewa Krajewska <ekrajewska@hhllp.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Archibald-Graham, Karlene <Karlene.Archibald-Graham@justice.gc.ca>

Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

Alex – thanks for calling me back. This is just to confirm that we will make Mr Shragge available tomorrow at 1pm for the completion of your cross-examination on his affidavit. We are going to put Ms Nagle's cross-exam over until Monday at 10am, which should allow us to finish that in one-sitting.
Best,
John

John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)

Department of Justice Canada | Ministère de la Justice Canada

(647) 256-0784

Protected by Solicitor-Client or Litigation Privilege: Do Not Disclose

From: Provart, John

Sent: Thursday, June 16, 2022 8:52 PM

To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gslp.ca>; Brandon Chung <bchung@hhllp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

Alex – I know you've been busy today, but do you have an update re: tomorrow? Are we proceeding as scheduled with Ms Nagle or do you intend to finish up Mr Shragge and put Ms Nagle over to Monday? If the former, what do you wish to do re: Mr Shragge? I want to avoid breaking up Ms Nagle's cross-exam and don't think she should be kept under examination over the weekend. We are otherwise flexible but please advise so we can make arrangements with the reporters and Mr Shragge.

Thank you,
John

John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)
Department of Justice Canada | Ministère de la Justice Canada
(647) 256-0784

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From: Provart, John

Sent: Thursday, June 16, 2022 2:05 PM

To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gslp.ca>; Brandon Chung <bchung@hhllp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

That's correct, Jeff: I don't think it's likely we'll be done by then and I would like to try and do my cross in one-sitting if possible. That's best and fairest for Ms Nagle too. So if needs-be, I am content to let you focus on finishing up Mr Shragge tomorrow, Alexander, and proceed on Monday if you and Ms Nagle are available then. But it would be good to let the Court reporter know sooner rather than later.

John

John Provart

Senior Counsel (*Mr / he / him*) | Avocat conseil (*M. / il / lui*)
Department of Justice Canada | Ministère de la Justice Canada
(647) 256-0784

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From: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>

Sent: Thursday, June 16, 2022 12:43 PM

To: 'Alexander Boissonneau-Lehner' <alehner@johnstonecowling.com>; 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gslp.ca>; Brandon Chung <bchung@hhllp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Provart, John <John.Provart@justice.gc.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

I don't think Mr. Provart can commit to a hard stop at 1 for Ms. Nagel. Would we maybe be wise to consider moving that to Monday (or at least reserving time to Monday).

Another option for you to consider is to complete by written cross since you said you only had about an hour less. I suspect we could agree to get responses back in shorter time than the normal 30 day rule if that would help.

Jeff

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Sent: June 16, 2022 11:55 AM
To: Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gsllp.ca>; Brandon Chung <bchung@hhllp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Provart, John <John.Provart@justice.gc.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>
Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>
Subject: Re: Booking court reporter for Cross-Examination - Mr. Shragge

Hello Again,

We are agreeable to adjourning the cross-examination to tomorrow afternoon, but I note that Ms. Nagle's Cross-Examination is scheduled to proceed starting at 10:00 a.m. tomorrow.

Will a 1:00 p.m. start time for the resumption of Mr. Shragge tomorrow still be workable?

Alex

Alexander Boissonneau-Lehner

Lawyer

<image001.png>

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From: "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>
Date: Thursday, June 16, 2022 at 11:45 AM
To: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>, 'Sujit Choudhry' <suj@choudhry.law>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, Janani Shanmuganathan <janani@gsllp.ca>, Brandon Chung <bchung@hhllp.ca>, 'Ewa Krajewska' <ekrajewska@hhllp.ca>, "Provart, John" <John.Provart@justice.gc.ca>, Neesons Tech <tech@neesonsreporting.com>, Neesons Scheduling <scheduling@neesonsreporting.com>
Cc: David Cowling <dcowling@johnstonecowling.com>, Mackenzie Campbell <mcampbell@johnstonecowling.com>, Aditi Gupta <agupta@johnstonecowling.com>
Subject: RE: Booking court reporter for Cross-Examination - Mr. Shragge

Hello all,

I think that the most prudent course would be to move this to tomorrow as I am not free past 4 and Mr. Shragge currently has now power. Mr. Shragge and I could be available between 1 and 3 pm tomorrow, Friday, June 17, 2022 if that works for those who will need to attend and for the Court reporter.

Jeff

R. Jeff Anderson

General Counsel, Civil Litigation Section Department of Justice/National Litigation Sector/Government of Canada

532-50 O'Connor St. Ottawa, Ontario. K1A 0H8 R.Jeff.Anderson@Justice.gc.ca / Tel: 613-670-6259 / cell: 613 296-0739/Fax: 613 954-1920

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From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Sent: June 16, 2022 11:30 AM

To: 'Sujit Choudhry' <suj@choudhry.law>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Janani Shanmuganathan <janani@gsllp.ca>; Brandon Chung <bchung@hhllp.ca>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Provart, John <John.Provart@justice.gc.ca>; Neesons Tech <tech@neesonsreporting.com>; Neesons Scheduling <scheduling@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>

Subject: Update: Booking court reporter for Cross-Examination - Mr. Shragge

Importance: High

Dear Counsel and Neesons' Scheduling:

It does not appear that I will be able to conduct the continued cross-examination of Mr. Shragge starting at 2:00 p.m., as scheduled.

Regrettably, the motion that I have in another matter that was scheduled to proceed at 10:00 a.m. today has not yet been heard. It appears we will start arguing the motion at 12:45 p.m. and it is estimated to last 2 hours. Accordingly, it now looks like I will not be free of the motion until 2:45 p.m. at the earliest (though 3:00 p.m. and perhaps even a little later than 3:00 p.m. is more realistic).

I apologize for the late notice and this unanticipated development, but are Mr. Shragge, counsel, and a court reporter available from 3:30 p.m. – 5:00 p.m. today to resume the cross-examination of Mr. Shragge? Please let me know.

Thank you.

Regards,
Alex

Alexander Boissonneau-Lehner

Lawyer

<image002.png>

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From: Aditi Gupta <agupta@johnstonecowling.com>

Date: Thursday, June 16, 2022 at 8:56 AM

To: 'Sujit Choudhry' <suj@choudhry.law>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, Janani Shanmuganathan <janani@gsllp.ca>, Brandon Chung <bchung@hhllp.ca>, 'Ewa Krajewska' <ekrajewska@hhllp.ca>, "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>, "Provart, John" <John.Provart@justice.gc.ca>, Neesons Tech <tech@neesonsreporting.com>

Cc: David Cowling <dcowling@johnstonecowling.com>, Mackenzie Campbell <mcampbell@johnstonecowling.com>, Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Subject: Re: Booking court reporter for Cross-Examination - Mr. Shragge

Good Morning everyone,

Please find the zoom link below for the cross-examination scheduled for **Thursday, June 16, 2022 at 2:00 pm.**

Neesons Reporting is inviting you to a scheduled Zoom meeting.

Topic: Canadian Frontline Nurses and Kristen Nagle v. Attorney General of Canada - Jun 16

Time: Jun 16, 2022 02:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/89365864669?pwd=QmJvdGQ5QjkwdWpLbVAwdCtIMVBudz09>

Meeting ID: 893 6586 4669

Passcode: 492271

One tap mobile

+16473744685,,89365864669#,,,,*492271# Canada

+16475580588,,89365864669#,,,,*492271# Canada

Dial by your location

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 780 666 0144 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 646 876 9923 US (New York)

Meeting ID: 893 6586 4669

Passcode: 492271

Find your local number: <https://us06web.zoom.us/j/kesQ2sUOm4>

Join by SIP

89365864669@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

Meeting ID: 893 6586 4669

Passcode: 492271

Please forward this link to any missed anticipated attendees. We invite you to email tech@neesonsreporting.com in order to set up a test or tutorial prior to your scheduled proceeding. If you are experiencing any technical difficulties please contact tech@neesonsreporting.com. For after-hours assistance, please email dani@neesonsreporting.com.

Kind regards,

Aditi Gupta
Legal Assistant

<image003.png>

Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

Tel.: 416-546-2103

Fax: 416-546-2104

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From: Neesons Scheduling Department <Scheduling@neesonsreporting.com>

Date: Wednesday, June 15, 2022 at 6:14 PM

To: Alex Boissonneau-Lehner <alehner@johnstonecowling.com>

Cc: 'Sujit Choudhry' <suj@choudhry.law>, Janani Shanmuganathan <janani@gslp.ca>, "Kohlman, Kathleen" <Kathleen.Kohlman@JUSTICE.GC.CA>, Brandon Chung <bchung@hhllp.ca>, David Cowling <dcowling@johnstonecowling.com>, Aditi Gupta <agupta@johnstonecowling.com>, Mackenzie Campbell <mcampbell@johnstonecowling.com>, Ewa Krajewska <ekrajewska@hhllp.ca>, "Anderson, R. Jeff" <Jeff.Anderson@justice.gc.ca>, "Provart, John" <John.Provart@justice.gc.ca>, Neesons Tech <tech@neesonsreporting.com>

Subject: Re: Booking court reporter for Cross-Examination

Good evening Alexander,

Thanks for the email. We have a reporter available for you tomorrow . I will book this into the schedule for you and send over the confirmation email shortly.

Our IT team will try their best to get the Zoom details out tonight, however if not it will be sent out first thing tomorrow morning.

Thanks!

Get [Outlook for iOS](#)

From: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Sent: Wednesday, June 15, 2022 6:04:39 PM

To: Neesons Scheduling Department <Scheduling@neesonsreporting.com>

Cc: 'Sujit Choudhry' <suj@choudhry.law>; Janani Shanmuganathan <janani@gslp.ca>; Kohlman, Kathleen <Kathleen.Kohlman@JUSTICE.GC.CA>; Brandon Chung <bchung@hhllp.ca>; David Cowling <dcowling@johnstonecowling.com>; Aditi Gupta <agupta@johnstonecowling.com>; Mackenzie Campbell <mcampbell@johnstonecowling.com>; 'Ewa Krajewska' <ekrajewska@hhllp.ca>; Anderson, R. Jeff <Jeff.Anderson@justice.gc.ca>; Provart, John <John.Provart@justice.gc.ca>

Subject: Re: Booking court reporter for Cross-Examination

Good Evening:

We were not able to complete the cross-examination today of Mr. Shragge today, but we have arranged as between ourselves scheduled its resumption for 2:00 p.m. tomorrow (Thursday, June 16th). We expect to be done by 3:30 p.m., if not earlier.

We were asked to send an email confirming this arrangement by the reporter. Would you please provide us with the new Zoom coordinates?

Thank you.

Kind regards,
Alex

Alexander Boissonneau-Lehner
Lawyer

<image004.png>

Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

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From: Neesons Scheduling Department <Scheduling@neesonsreporting.com>

Date: Friday, June 10, 2022 at 10:01 AM

To: Aditi Gupta <agupta@johnstonecowling.com>

Cc: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>

Subject: RE: Booking court reporter for Cross-Examination

Good morning Aditi,

Thank you for reaching out to us. I have booked this cross-examination for June 15th and sent over a confirmation. Just to confirm, I have scheduled this for 2:00pm-5:00pmEST. If I need to revise the start or end time, please let me know. Our IT team will circulate the Zoom details two business days prior to the examination date.

Please advise on your transcript requirements, if any. Standard turnaround is 6-10 business days and expedited is 5 days or less. Kindly send over any prep material you may have, such as Notices, Pleadings, etc.

Thanks!

Sincerely,
Serena Yoon | Client Scheduling Associate

<image005.png>

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Suite 2020 – 77 Kings St. West.

Toronto, ON, M5K 1A1

1.888.525.6666

[Book a reporter today](#)

From: Aditi Gupta <agupta@johnstonecowling.com>
Sent: June 10, 2022 9:51 AM
To: Neesons Scheduling Department <Scheduling@neesonsreporting.com>
Cc: Alexander Boissonneau-Lehner <alehner@johnstonecowling.com>
Subject: Booking court reporter for Cross-Examination

Good morning,

Can I please book a court reporter for the cross-examination?

Please find the details below:

Type of Proceeding – Cross – Examination

Examination dates – June 15 , 2022

Start Time – After 2:00 PM

Style of Cause – Canadian Frontline Nurses and Kristen Nagle v. Attorney General of Canada

Total # of People Attending: 5-7

Opposing Lawyers: Jeff Anderson, John Provart, Ewa Krajewska, Brandon Chung

Booking Party Information:

Name: Aditi Gupta

Email: agupta@johnstonecowling.com

Phone no: 416-546-2103 x. 211

Booking Lawyer Information:

Name: Alexander Boissonneau-Lehner

Firm: Johnstone & Cowling LLP

Email: alehner@johnstonecowling.com

Phone no: 416.546.2125

Address: 441 Jarvis Street, Toronto, M4y 2G8

Representing: Applicants

Kind regards,

Aditi Gupta
Legal Assistant

<image006.png>

Toronto Office: 441 Jarvis Street, Toronto, Ontario M4Y 2G8

London Office: 284 Dundas Street, 3rd Floor, London, Ontario N6B 1T6

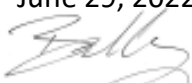
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This is Exhibit "U" referred to in the
Affidavit of Mary Arulnesan, sworn
June 29, 2022



Commissioner for Taking Affidavits

Brandon Chung

From: Mary Arulnesan
Sent: Friday, June 17, 2022 2:17 PM
To: Provart, John; Anderson, R. Jeff
Cc: Ewa Krajewska; Brandon Chung; Rebecca.Coleman@justice.gc.ca; Merrill, Erin; Laldin, Ayesha; Widdifield, Shain; Muhammed-Ally, Nur; Archibald-Graham, Karlene; 'Janani Shanmuganathan'; 'bmiller@fosterllp.ca'; 'bsvandenbergh@fosterllp.ca'; bdewolfe@fosterllp.ca; 'blair@ectorlaw.com'; Alexander Boissonneau-Lehner; David Cowling; 'Mandy England'; Leah.McDaniel@gov.ab.ca; 'Sujit Choudhry'
Subject: T-316-22 - Direction to Attend to Denis Beaudoin
Attachments: 2022.06.17 - Direction to Attend to Denis Beaudoin.pdf

Good afternoon,

Please see attached Direction to Attend to Denis Beaudoin for the above-noted matter, which is hereby served upon you pursuant to the *Federal Court Rules*.

As a courtesy, I am also cc'ing counsel on the related applications for judicial review.

Kindly confirm receipt.

Thank you,
 Mary

Mary Arulnesan (she/her)

Law Clerk

HENEIN HUTCHISON LLP | BARRISTERS |

235 KING STREET EAST, FIRST FLOOR, TORONTO, ONTARIO M5A 1J9

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<u>BEAUDOIN REFUSALS CHART</u>			
Question No.	Question	AGC Position	CCLA Position
87	Whether Mr. Beaudoin could make inquiries about the existence of any documents, guidelines, or directions that the RCMP used or issued to its members that describes or explains what is meant by “individuals and entities who were actively involved in illegal action, either by organizing or influencing the illegal activities or being present at the illegal protest” at para. 16 of his affidavit	Taken under advisement, and AGC will make inquiries but will likely not be providing them.	Required by Direction to Attend (para. 5). The documents are both relevant and in Mr. Beaudoin’s possession, power, and control.
131	Whether Mr. Beaudoin can produce examples of the cover page used when the RCMP was forwarding (to financial institutions) information sent to it by the OPP or OSS	Taken under advisement.	Required by Direction to Attend (para. 4).
175	Whether Mr. Beaudoin could provide the email in his possession containing information provided to the RCMP by the OPP, which information related to the 15 suspects referred to at para. 14 of his affidavit	Taken under advisement.	Required by Direction to Attend (para. 3).
203	Whether Mr. Beaudoin could produce his notes from the ‘process-establishing’ meeting(s) he had with financial institutions	Refused.	Required by Direction to Attend (para. 2). Mr. Beaudoin’s notes reflect the process the RCMP used to verify and share information with financial institutions. The notes are both relevant and in Mr. Beaudoin’s possession, power, and control.

220	Whether the accounts of the 57 entities whose information was provided to financial institutions (referred to at para. 20 of Mr. Beaudoin's affidavit) were frozen and whether this freezing was monitored by the RCMP	Taken under advisement.	Mr. Beaudoin's unwillingness or inability to connect the 57 entities and the 257 accounts undermines his statement that he has personal knowledge of them to the point of rendering his affidavit unusable. If he has personal knowledge of the facts deposed to in para. 20, he must answer this question.
241	Whether Mr. Beaudoin could produce the written instruction to electronic financial service providers that the <i>Emergency Economic Measures Order</i> was not to be applied retroactively and could only be applied while the Order was in effect	Taken under advisement.	Required by Direction to Attend (para. 8).
322	Whether Mr. Beaudoin could produce any examples of correspondence or documents exchanged between the RCMP, the Ontario Provincial Police, and the Ottawa police service, by which the RCMP sought out and collected relevant information regarding persons, vehicles, and entities, that were believed to be directly or indirectly involved in prohibited activities	Refused because (1) permission of those agencies is required, (2) discovery-like production is inappropriate to judicial review; (3) lack of relevance; and (4) the Direction to Attend was served out of time.	Required by Direction to Attend (para. 3). The documents are relevant to the way in which the police operationalized the powers set out in the <i>Emergency Economic Measures Order</i> , which relates to the s. 8 <i>Charter</i> issues raised in the underlying application.